

LEON COUNTY
OFFICE OF GROWTH AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT REVIEW COMMITTEE REPORT

STAFF RECOMMENDATION: ***APPROVAL WITH CONDITIONS***

PROJECT NAME: **Centerville Farms, a Conservation Subdivision
Planned Unit Development (LSP04009)**

APPLICANT: Centerville Properties, Inc
Jonathan Kohler
Centerville Properties, Inc.
1200 River Place Boulevard, Suite 902
Jacksonville, FL 32207
(850) 508-2997

AGENT: Same as Applicant

SUMMARY OF THE APPLICATION:

The applicant proposes rezoning 374+.* acres now zoned Urban Fringe and 592+.* acres now zoned Rural to Planned Unit Development (PUD) with a conceptual site and development plan. The 975+ acre site now is comprised of 9 separate parcels. If the rezoning is approved, the applicant proposes to develop a 200 lot single family "conservation subdivision" on no more than 50 percent of the project site and retain open space and preserve natural areas over the remaining portion of the property. The proposed subdivision will contain 200 single family lots, with private open space tracts, stormwater retention and streets. Two private street access points to/from Centerville Road (a canopy road) and one street access to/from Pisgah Church Road are proposed with the conceptual plan. The two street connections to Centerville Road now exist as improved driveways. The subdivision will contain a gopher tortoise habitat preserve and large contiguous areas of common area for wetland preservation and active and passive recreation. All residential lots will abut open spaces.

* acreage is based on property appraiser's data (deeds)

Utility Service Plan: Electricity and central water will be provided by Talquin Electric Cooperative. On-site septic tank systems will be utilized for each parcel and require approval by the Leon County Health Department. This site and development plan will contain private facilities including common areas, stormwater retention systems and streets within the subdivision.

DATE OF DRC MEETING: August 18, 2004

DATE OF PRE-APP: January 7, 2004

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**DATE OF TECHNICAL
STAFF REVIEW:**

First Technical Review on February 25, 2004
Second Technical Review on June 9, 2004
Third Technical Review on July 28, 2004

STAFF PLANNER:

William D. McCord, AICP, Development Services
Administrator

TAX ID#:

15-19-20-001-001-0 (includes seven lots of the
Kemp policy 2.1.9 subdivision (ORB 2283, Page
2226)
15-20-20-034-000-0
15-17-20-224-000-0 (includes three parcels created
via a boundary settlement recorded in ORB 2617,
Page 1507)

PARCEL SIZE:

975.82 Acres +/-
(975.63 deeded)

LOCATION:

The property is located north of Pisgah Church
Road and west of Centerville Road, Township 2
North, Range 2 East Sections 17, 18, 19, and 20

ROADWAY ACCESS:

Street access is proposed to Pisgah Church Road, an
unpaved minor collector and designated rural road
(Ordinance 2003-19) and, with two accesses, to
Centerville Road, a minor arterial, and designated
canopy road

ZONING DISTRICT:

Urban Fringe (Section 10-913 and 10-1203) &
Rural (Section 10-912 & Section 10-1202)

FUTURE LAND USE:

Urban Fringe (UF) with a Site specific policy
approved with Comp Plan amendment #2003-2-M-
006 on September 23, 2003

**INSIDE/OUTSIDE
URBAN SERVICES AREA:**

The project site is located outside the urban service
area

ZONING PATTERN:

North: Rural
South: Urban Fringe
East: Rural
West: Residential Preservation (Urban Fringe0

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**ADJOINING EXISTING
LAND USES:**

North: vacant lots (single family residential)
South: Single family parcels
East: single family parcels/vacant parcels
West: single family residential subdivision

The property to the north has an adopted Future Land Use of Rural and is zoned Rural, and consists of an undeveloped judicial approved subdivision, known as the Baker Judicial subdivision, with minimum lot sizes of 10 acres. The properties located to the east have an adopted Future Land Use of Rural and are zoned Rural. These properties consist of large un-platted parcels primarily used as single family residences and one parcel consists of the site of the Tallahassee-Leon County Fire Department. The property to the west is zoned RP (Residential Preservation) with an underlying Future Land Use of Rural and is developed as the Baker Place Subdivision, with lots sizes of generally 1.1 acres or more. The properties to the south located across Pisgah Church Road have an adopted land use and zoning of Urban Fringe, and the properties to the south located across Centerville Road have an adopted land use of Rural and are zoned Rural. All uses with the exception of the Fire Station are single family residences.

PERMITTED USE

VERIFICATION: A Permitted Use Verification certificate was issued on
February 5, 2004 (see Attachment # 3)

Office of Growth and Environmental Management Staff Findings: The staff is generally responsible for reviewing site plan applications to ensure that the application meets the applicable requirements set forth in the Zoning, Site Plan, and Subdivision Regulations (Chapter 10 of the Leon County Code of Laws).

Pursuant to the review criteria identified in Section 10-1480, Type "D" Review, and other applicable section of the land development code and the comprehensive plan, the Office of Growth and Environmental Management findings are as follows:

A. Leon County Comprehensive Plan consistency: Comprehensive Plan Issues:

The conceptual plan for the Centerville Farms PUD has been determined to be consistent with the Comprehensive Plan.

Although there appears to be a conflict in the description of Urban Fringe Land Use, the proposed rezoning and conceptual plan of development is specifically authorized for a portion of this property under the Comprehensive Plan site specific policy approved on December 15, 2003. As it pertains to this property, the Comprehensive Plan site specific policy states:

"The allowable density is limited to 200 single-family residential dwelling units on parcels 15-17-20-224-0000 and 15-20-20-034-0000 combined and no non-residential development is permitted on these parcels. Also, for these parcels at least 50 % of the entire combined acreage must be placed in permanent open space. The permanent protection of this open space shall be further defined through the PUD process." (The site specific policy does not apply to parcel 15-19-20-001-001-0 because this parcel already has UF land use and zoning.) Source: TLC Comp Plan

(The comprehensive plan amendment, affecting the northerly and easterly 586 acres of the property, limits development to no more than 200 units and that at least 50 percent of the site must be retained as permanent open space and that protection of this open space shall be further defined through the PUD process. The property now zoned UF is not encumbered by this restriction but is included in the total PUD. Under the existing code up to 124 units could be developed on the UF zoned portion while another 200 units could be developed on the portion now zoned Rural.)

As now proposed, development on the total 975 acre site will consist of the following land uses:

Single Family Residential Use (SR)(200 units)	267.74 acres ---27.44 % of site
Open Space/Passive Recreation (OS-1)	488.14 acres ---50.00 % of site
Open Space/Active Recreation (OS-2)	172.79 acres ---17.73 % of site
Roads/Community infrastructure	47.15 acres ---- 4.83 % of site

(Source: Section 3, Application Narrative, Land Use & Development Standards)

The Comprehensive Plan Future Land Use Element, Urban Fringe land use indicates that when clustering is used in this land use district that 75 percent of the property must be set aside as undeveloped area while 25 percent may be developed. Urban Fringe land use states:

"Residential densities in the Urban Fringe area are one unit per three acres. Developments which are designed to cluster units and preserve open space are encouraged. Under this option, densities of one unit per acre shall be allowed if clustered on 25% or less of the property thereby allowing three units on a three acre site, providing those three units are placed on no more than a contiguous ¾ acre (25% of three acres) and restricted to the least environmentally sensitive portion of the land. The remaining portion of the property shall remain in green space capacity. This green space may eventually be converted to urban land use as the USA expands outward during the latter stages of the 20 year planning period." (page I-10, FLUE, TLC Comp Plan)

This description should not apply on this property since the site specific policy renders the general policy not applicable when a conflict exists. Further, the Bradfordville Sector Plan specifically prohibits the conversion of the preserved open space portions of a clustered development in the Urban Fringe area under the Rural Residential designation.

"While the Rural Residential District will retain a residential density provision of 1 du (dwelling unit) on 3 acres of land, it will also encourage the application of conservation development (clustering) principles, which will allow a reduction to lot sizes as small as one acre in order to preserve up to 75 percent of sites as permanently protected open space, while maintaining the overall permitted density. The permanent nature of this open space set-aside differs from the present clustering provision of the Urban Fringe District, where it is considered as a "land bank" for future development." (Bradfordville Sector Plan, page 40)

Finding: The Future Land Use Element (FLUE), Objective 2.1, policy 2.1.1 (c) pertains to compatible residential development and policy 2.1.3. pertains to clustering on non-environmentally significant portions of the development site. The single family residential

density proposed for this site is similar to that of other very low residential densities in the immediate area. Infrastructure necessary to support the intensity of development is provided consistent with policies 2.1.4, 2.1.6, and 2.1.7. The Conservation Subdivision policies recently adopted by the Board (FLUE, Objective 2.2) are also applied to this development (see attachment #7. Specific land development regulations for conservation subdivision are discussed below (Section 10-1429, attachment #7).

With the adoption of Conservation Subdivision policies in the Comprehensive Plan (Future Land Use Element, Objective 2.2, policy 2.2.12) a range of housing types in order to meet affordable housing objectives is encouraged. Policy 2.2.12. indicates that "conservation subdivisions shall be encouraged to include a range of housing types and sizes and shall not be exempt from any applicable affordable housing provisions." It is unclear whether this policy will be met.

Finding: The proposed rezoning is consistent with the Future Land Use Element and the site specific policy established on this property in December 2003 permitting up to 200 units on the property and requiring the preservation of 50 percent of the site will be places in permanent open space.

Finding: The proposed PUD complies with the policies of the Future Land Use Element, Objective 2.2.

Finding: Per Section 5. of the application narrative the applicant does not propose to provide affordable housing within the development.

Bradfordville Sector Plan Standards:

Several objectives of the Comprehensive Plan are now included in the Bradfordville Sector Plan. This sector plan's goals and objectives are intended to preserve the rural character, natural resources and habitat, and rural roads of the area and discourage urban sprawl.

Finding: The proposed PUD complies with the objective and policies of the Bradfordville Sector Plan. The proposed lot size and configuration complies with the Bradfordville Rural Residential District as described on page 39 and 40 of the plan and as depicted in Figure 10 (attachment #1).

Transportation Element:

The proposed street intersections appear to comply with the traffic flow and efficiency objectives and policies of the Comprehensive Plan, Transportation Element, Objective. 1.5. Policy 1.5.17. states that:

"cul-de-sacs shall be limited in length and have a turn around that accommodates emergency and delivery vehicles in order to protect emergency access and to promote convenient daily use."

No specific maximum length of a cul-de-sac outside the urban service area is required per Section 10-1527.

It is not clearly evident that the proposed plan will result in the reduction of vehicle trip demand as described in Objective 1.6 of the Transportation Element. However, this objective appears to apply to development occurring inside the urban services area.

Findings: The private street subdivision generally complies with applicable policies of the Transportation Element.

Utilities: Central water will be provided to serve the subdivision. The potable water and electric power will be provided by Talquin Cooperative. Sewage treatment for each lot will be provided by septic tanks. Potable water can be extended to the development (Utilities Element Objective 1.2, objective 1.2.3) but sewer service can not be extended to the site until such time as the urban service area is extended to include the site. A total of three wells now exist on the property. The developer shall coordinate with the Aquifer protection office concerning the use or closure of these wells.

Findings: Utilities proposed for the subdivision will comply with the requirements and restrictions of the Comprehensive Plan, Utilities Element.

Finding: Aquifer Protection has issued a report identifying the three unused wells on the site and these wells must be properly abandoned (Attachment #2).

Conservation: The plan shall be reviewed under the requirements of the Future Land Use Conservation and Preservation criteria as well as comply with the goals, objectives and policies of the Conservation Element and in particular Objective 1.3., policy 1.3.1. and policy 1.3.2, 1.3.3, 1.3.4 and 1.3.5. Flood zone shall also be identified and protected.

Findings: Areas of environmental significance have been identified as part of the PUD and the site designed to provide protection of these important resources by the creation of protected open space (OS-1 area) and other open space (OS-2). In addition, a gopher tortoise preserve will be created in the southwesterly portion of the site. The plan provides for the protection of natural areas and clusters development on non-environmentally sensitive areas per Objective 1.3. Special flood hazard areas have been identified and no development will occur in flood zones.

The Comprehensive Plan contains numerous policies concerning access to canopy roads. The Planning Department previously indicated that access may not be permitted since alternative access is provided. This property has access to another roadway (Pisgah Church Road) but the Comp Plan language and code language appears to allow for a canopy road connection even if other access is available if it in the best interest of the public "health safety, and welfare". In this case the determination should rest with the Board of County Commissioners as part of the PUD approval. Some language in the Comp Plan tends to highly restrict access while other language indicates that access should be provided. However, several policies may conflict with this assumption including the Conservation Element, Objective 3.4, policy 3.4.4 which states:

"Prohibit new subdivisions and development that would allow development to occur within 100 feet of the centerline of a canopy road without the express approval of the local government. No clearing may occur in the canopy road (cpz) (100 feet from the centerline of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public ... as approved by the local government..."

Policy 3.4.5 states:

"Mitigation requirements shall be established and utilized to condition approvals for those projects which intrude on the area within 100 feet of the centerline of a designated canopy road."

Policy 3.4.6. states:

"Prohibit subdivision of property along canopy roads which would require the significant increase of driveways to provide legal access to newly created parcels."

Policy 3.4.8. states:

"Integrated access will be required for new subdivisions along canopy roads."

Policy 3.4.9. states:

"Land uses which generate or attract large volumes of traffic shall be discouraged along designated canopy corridors."

Policy 3.4.10. states:

"Medium and high density residential, commercial, and office uses will be allowed on designated canopy roads only where there is alternative access to a road other than a canopy road. "

The FLUE, Environmental Overlay, Conservation criteria (h) does not contain language that prohibits connection to canopy roads when alternative access is available, but.

The Land Use Matrix (note #17) indicates that:

"primary access to canopy road permitted only when alternate access to non-canopy roads is unavailable. Primary access shall be restricted to one driveway designed to mitigate impacts. Planned development required for approval." (Comprehensive Plan, Land Use Matrix)

Depending on the interpretation of this policy and other policies listed below the proposed canopy road access points may not be permitted.

The Land Development Code, Article X, Section 10-972(c)(7) states:

"If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road," and

Article VII, Section 10-293 (f) contains similar language by prohibiting underbrush or other vegetation clearing in a

"canopy road protection zone, except when approved for legal access (provided no alternative exists) or for the health, safety or welfare of the public..." and

Section 10-314 (b)(4)d.3. contains similar language when in compliance with Section 10-972 (c).

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These policies do not specifically prohibit the street connection to Centerville Road but actually, in some respects, may encourage it. The area where the street connection is proposed to Centerville Road will serve only single family residential uses. Some language in the Comp Plan and code tend to highly restrict access while other language indicates that access should or could be provided.

Finding: The project would impact the canopy road which, if permitted, must be approved by the Board of County Commissioners as implied by the Comprehensive Plan and Article X, Division 6, Section 10-972 (c)(3).

Intergovernmental Element: The plan has been reviewed by the Leon County School board.

Finding: The Leon County School Board has provided a report concerning the impact on area public schools (attachment #10).

B. Concurrency (Article VI, Section 10-140):

A certificate of concurrency is required of all development projects unless vested from the Comprehensive Plan. Concurrency is required for transportation facilities, water, sewer, drainage, solid waste disposal and recreation facilities. The applicant has applied for a certificate of concurrency and was issued a preliminary certificate.

Finding: A Preliminary Certificate of Concurrency for the proposed Planned Unit Development subdivision was issued on July 22, 2004 and expires on October 14, 2004 (see Project Application Narrative Exhibit C) (LCM040003). A final Certificate of Concurrency will be issued upon approval of a Final Development Plan per Section 10-915 (d).

C. Zoning District and Development Standard Issues (Article X)

Planned Unit Development (PUD) zoning district requirements and procedures (Section 10-915):

The subject parcel is now located in the Urban Fringe zoning district and in the Rural zoning district. The northerly and easterly portions of the property (592.23 acres) are now zoned Rural (R) and the westerly portion of the property (383.4 acres) is zoned Urban Fringe (UF). The applicant is proposing the PUD in order to develop a subdivision in a way that will perpetually preserve a significant amount of the property in a natural state and provide open space that will be maintained by the common ownership. This would be less likely to occur if developed as a series of three and ten acre individual lots. The PUD will implement minimum design standards for the individual lots which will comply with the R-1 (Single Family Detached Residential) zoning district standards. Common areas will be limited in use as described in the application narrative including management of the resource by a qualified management entity and the homeowners association.

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The requested Planned Unit Development (PUD) will include a proposed conservation type (clustering) subdivision complying with a conservation subdivision design standards. PUD zoning allows for specific uses where the

"board has the absolute authority to establish such limitations and regulations."
(Section 10-915(a))

Under the Urban Fringe land use description, clustering the proposed units is intended "to preserve up to 75 percent of sites as permanently protected open space, while maintaining the overall permitted density" (also see page 4 above). The proposed plan indicates that slightly more than 25 percent of the site (267.74 acres, 27.44 percent) is proposed for development as platted lots. The site plan must be reviewed in accordance with land use policies and, due to adoption of the Bradfordville Sector Plan, with the conservation subdivision concept, and shall require approval by the Board of County Commissioners. Density is regulated by the specific density limitations imposed as part of the land use amendment which limits density to no more than 200 units. To meet the 25 percent clustering provision the 200 lots should be developed on no more than 243.95 acres of the PUD. (Comprehensive Plan, Future Land Use Element, Page I-10). However, the Board shall establish the design standards. The plan indicates that the 200 units would occupy 267.74 acres. It is unclear if transportation and utility facilities must also be included as part of the 25 percent clustered area.

Required development standards for the conceptual PUD are listed in Article X, Division 5, Section 10-915(a), (d) and (e) of the Land Development Code. Section 10-1429 describes specific design criteria for a subdivision using the conservation subdivision/clustering design option. In deciding whether to approve, approve with conditions, or deny a site plan, the Development Review Committee shall determine, pursuant to Section 10-915 (e) and Section 10-852.2.C.(4), and ensure that the development plan is prepared consistent with the design standards of the code and consistent with the Comprehensive Plan.

(a) *Consistency with the comprehensive plan.* The proposed PUD district shall be consistent with the comprehensive plan.

(b) *Consistency with other ordinances.* The proposed PUD district shall be consistent with all other ordinances adopted by the county, including but not limited to applicable environmental and concurrency management ordinances.

(c) *Consistency with purpose and intent of PUD district.* An application for a PUD district shall include a narrative indicating how the proposed PUD district meets the purpose and intent of the PUD district, as set forth in subsection (a) of this section. The narrative shall specifically address the seven statements itemized in Section 10-915 (a) (attachment # 4).

The application narrative, Section 3, indicates that the development standards for each lot shall comply with the standards established in the R-1 zoning district (Section 10-1214) with exception of minimum lot size which will be fixed at a minimum lot size of one

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acre. Required setbacks and height restrictions in the R-1 district and as proposed for each lot in this PUD are as follows:

Centerville Farms PUD, R-1 Standards

Minimum Building Setbacks

Minimum front setback	25 feet
Minimum side setback	7.5 feet on each side or any combination of setbacks that equals at least 15 feet provided that no such setback shall be less than five feet
Minimum rear setback	25 feet
Minimum side Corner	15 feet
Maximum building height	3 stories
Minimum Lot Width:	80 feet
Minimum Lot Depth:	100 feet
Minimum Lot Frontage:	15 feet
Minimum Lot Area:	1 acre
Maximum Lot Area	3 acres

Other restrictions will be included in proposed deed restrictions.

Findings: The proposed PUD complies with Section 10-915 (e) since it will promote more efficient and economic uses of the land by allowing for clustering of lots, locate streets in areas that will maximize the lot frontage along proposed streets, provide infrastructure to lots and provide for extensions of utilities that should improve service to other area properties while reducing infrastructure costs without contributing to urban sprawl, and retain the design standards of the conservation and clustering subdivision design. The PUD design will be compatible with adjacent uses and match the prevalent consumer preferences evident by providing housing similar to other housing in the area and generally following the housing types built in the area and, therefore, should continue to preserve housing values in the area. The proposed PUD design will preserve natural resources on the property by preserving the natural landscape including wetlands, vegetative communities, water features, and wildlife habitat and by doing so will provide buffers to adjacent uses, including single family homes and the fire station. The PUD will provide useable and suitably located recreational facilities, open spaces and scenic areas which will be commonly owned by the subdivision property owners. The PUD will allow for more compact development, including a network of utilities and streets, than would be possible under the existing zoning regulations.

Findings: The site and development plan will comply with the PUD zoning standards including Section 10-915 (a), (d) and (e). At the time of Final development plan and at the time of project status these standards will be reviewed prior to the issuance of a building permit.

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Commercial Site Location Standards (Section 10-922):

There is no commercial land use proposed as part of the Planned Unit Development. However, the Comprehensive Plan Future Land Use Element, Objective 8.4.3 indicates that "new development shall be encouraged to incorporate small commercial centers."

Findings: No commercial uses are proposed with this planned unit development.

Buffer Zone Standards (Section 10-923):

All adjacent uses are residential uses requiring a type "A" buffer. Please also refer to any comments from the Environmental Compliance Division.

Finding: A type "A" buffer will be provided in areas where lots are proposed to abut other residential parcels not part of the PUD as described in Exhibit A. 9, Note #4. Buffers exceeding the Type "A" buffer design will be provided by the preservation of natural open space located on the perimeter of most of the PUD site as described above.

Bradfordville Rural Roads designation compliance (Section 10-961):

Pisgah Church Road is a designated rural road. Special protections, as identified in Ordinance 2003-19, are required along this roadway. The roadway is currently unpaved (graded and packed clay) with no drainage retention or conveyance system. The roadway is bordered by a dense hardwood canopy. The rural road protection zone is 75 feet wide measured from the center of the roadway. A 20 feet wide pedestrian easement is also proposed adjacent to the rural road protection zone for the length of this roadway. On July 27 a memo from the County Attorney's office indicated that Pisgah Church Road could not be paved for 15 years as a result of the adoption CERCA, Inc. Settlement Agreement with Leon County (see attached Memo, attachment #5). One area resident responded to the DRC public hearing notice and requested assurance the Bradfordville standards as outlined in the CERCA agreement are met with this proposed PUD.

Findings: The PUD will contain a 75 feet wide buffer along the north side of Pisgah Church Road which will allow for the preservation of the canopy along this roadway adjacent to the project site. This area will be included within and the OS-1 open space district and included in a conservation easement thereby comply with the Bradfordville Sector Plan and CERCA Rural Road designation standards. Pisgah Church Road will not be paved and will retain its rural character. The proposed development preserves the Pisgah Church Road rural road design consistent with the CERCA/Leon County Settlement Agreement.

Conservation/Preservation Area (Sections 10-953, 973, 974):

The proposed development must comply with all applicable regulations pertaining to conservation and/or preservation areas (Article VII of the Leon County Land Development Code, and the Conservation and Land Use Element of the 2010 Comprehensive Plan) if the environmental analysis identifies any preservation and/or conservation areas on the subject parcel. The site and development plan must clearly indicate significant environmental features or constraints located on or adjacent to the

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subject property and ensure that the proposed site and development plan accommodates these features. The Comprehensive Plan Future Land Use Element, Objective 2.1.3 will apply.

A Natural Features Inventory has been approved for the combined 975.82 acre properties. An Environmental Impact Analysis for the project has been submitted and as of the date of this report has not been approved. The EIA must be approved prior to consideration for conceptual plan approval. Approval of the EIA for a conceptual plan does not require as detailed a review for a Final development plan. Upon final development plan review a more detailed EIA will be required. An extensive gopher tortoise habitat exists on the westerly portion of the site.

Up to 488.14 acres are identified as passive open space and another 172.79 acres could be used for active recreation open space providing a total of 660.93 acres of open space. These will include a series of continuous natural areas. Greenways incorporated into the site shall comply with the requirements of the Conservation Element, Objective 6.1 and in the Future Land Use Element Objective 8.2. Please also refer to any comments from the Environmental Compliance Division.

Findings: The proposed development will protect up to 67.7 percent of the site including significant environmental features on site, such as wetlands and watercourses, successional forests, more than 50 percent of significant slopes, the canopy road and rural road protection zones with the exception of the street connections, floodplains, and gopher tortoise habitat, as required by the Comprehensive Plan, Conservation Element. A conservation/preservation conservation easement overlay will apply as part of the PUD.

Finding: The proposed development provides more than 50 percent of the property in permanent protected open space area not to be developed at a future date. A gopher tortoise preserve will be created on a large contiguous area in the southwest portion of the PUD for this species' habitat preservation.

Finding: Per the Comprehensive Plan Future Land Use Element, Objective 2.2, policy 2.2.9, a management plan, as described in Section 2.H. and Section 3.E. of the application narrative, will be provided for all protected open space areas. The detailed management plan may be provided at the time of final development plan submittal.

Finding: An Environmental Impact Assessment Report has been approved for the conceptual plan.

Canopy Road Overlay District (Section 10-957 and Section 10-972):

The property is adjacent to a designated canopy road (Centerville Road). Canopy road protection and design criteria will apply to an area 100 feet wide measured from the centerline of the road with restrictions on the use of this area. A conservation easement shall be required to ensure protection of the canopy road zone. Limited uses as identified

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in the Comprehensive Plan Future Land Use Element, Environmental Overlay Development Criteria (h) and the Conservation Element, Objective 3.4, policy 3.4.4 shall be permitted within the canopy road protection area and within the easement with the approval of the Board of County Commissioners (see information above, page 6 & 7). This could include a street connection and sidewalk within the canopy road protection zone. The conservation easement overlaying the canopy road protection zone should specifically authorize the development of a pedestrian way within the canopy road protection zone, where necessary, to accommodate pedestrian movement to the intersections of streets and provide access between the right-of-way and the interior pedestrian systems adjacent to the public roadways. (Also see comments from Environmental Compliance).

Somewhat in contrast to the direction implied by the Comprehensive Plan, Article X, Division 6, Section 10-972 (7) states:

"If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road."

Other code sections contain language not contained in the Comp Plan, including the requirement to provide a full analysis of the impact on the canopy road at the time of development review. The analysis apparently has not been done.

Two street intersections are proposed to/from Centerville Road. Both of the proposed Centerville Road street intersection locations now consist of an existing driveway with concrete aprons. These are now used as private driveways and would not represent a new curb cut requiring clearing within the canopy road protection zone. No development other than street intersections utilizing existing/modified driveways will be permitted within the canopy road zone. The proposed street connections to Centerville Road would be an important access way to/from the development to better distribute traffic and reduce potential impacts on Pisgah Church Road and, to a lesser degree, on other area roadways. The submitted traffic report and concurrency analysis would have to be reevaluated if the connection to Centerville Road were eliminated. The Canopy Road zones are proposed to be included in the passive open space (OS-1) areas and will be included conservation easements and be managed by the qualified management entity. A 20 feet wide pedestrian trail system will be constructed adjacent to the canopy road and rural road areas. The Canopy Roads Citizens Committee is required to review new connections to canopy roads. The Committee held a meeting on July 19, 2004 to consider the canopy road access issue and to make a recommendation on the street connections. The minutes have not been published as of the date of this memo.

Findings: The proposed development will establish a conservation easement over the required canopy road corridor with the exceptions of two proposed street intersections. The canopy road zone will also be included in an area to be managed by the qualified management entity as identified in the project narrative report. The Board of County Commissioners shall make a final determination as to whether the street connections

should be permitted to Centerville Road. The Canopy Road Citizens Committee reviewed the proposed plan and recommended approval of the proposed street connections to Centerville Road. (see attachment # 6)

Parking and Loading Requirements (Division 7, Section 10-1028):

Single family homes require at least two spaces per unit. Three spaces are required for units with more than three bedrooms.

Finding: Each residence will provide at least two parking spaces per dwelling unit. For houses with four or more bedrooms three spaces are required.

Supplementary Regulations (Article X, Division 8):

Special Roadway Setbacks (Section 10-1107 and Section 10-961)

All structures shall setback at least 100 feet from the centerline of Centerville Road and at least 75 feet from the centerline of Pisgah Church Road (Rural Road designation)

Finding: The canopy road and Pisgah Church Road setbacks are depicted on the plans. No building encroachments or lot encroachments will occur with these protected areas. Pisgah Church Road will not be paved as part of the project in compliance with the CERA/Leon County Settlement Agreement.

Accessory Structures (Section 10-1102)

No accessory structures are proposed as part of the conceptual PUD. Individual accessory structures on individual lots will be evaluated at the time of permitting. Any accessory structures must be located at least seven and one half feet from the property line, and a minimum of six feet from any other structure. They may not be located in a buffer or landscape area, or in the front or side corner yard. Any proposed accessory structures must be shown in the concept development plan, and shall be included in all calculations of pervious and impervious areas. Accessory structures for individual lots will be addressed at permitting

Findings: No accessory structures are proposed at this stage of the PUD.

D. Subdivision and Site and Development Plan Regulations (Article XI):

Purposes(Section 10-1404) and Consistency with the Comprehensive Plan(Section 10-1408):

Standards established by this article are to ensure that the future development will be designed to protect and provide for the public health, safety and general welfare of the residents of the county and establish specific minimum design standards for each type of

development and a number of other specific criteria listed in Section 10-1404. Per Section 10-1408, all development shall be consistent with the Comprehensive Plan similar to findings required for the zoning.

Conservation Subdivision standards (Article XI, Division 9, Section 10-1429):

Specific design standards for the conservation subdivision required as part of a clustering development in the Bradfordville Sector Plan area are further described under the zoning code referenced above in subsection (a) – (i) (attachment # 7).

The Conservation Subdivision provisions, described in Section 10-1429, require that residential units shall be clustered in groups of not more than ten dwelling units per cluster. Also each cluster must be separated by a minimum of 400 feet of open space. The applicant is requesting two deviations from two of the design requirements. If approved these would allow for individual residential clusters to exceed 10 lots (subsection h) and for the individual clusters to be closer than 400 feet apart (subsection i). Deviations are requested as identified in Section 10 of the application narrative per Division 9, Section 10-1603.

Findings: The PUD subdivision complies with the minimum design requirements of Section 10-1429 of the code with the exception of subsection (i) and (h) including density limitations, one acre minimum lot size requirements, three acre maximum lot size requirements, open space requirements including that more than 50 percent of the site is comprised of contiguous common open space with use restrictions and managed as described above, and access requirements. The applicant has submitted a formal request for deviations as listed above and described in more detail on page 17 of this report. The

Permitted Use Verification (Section 10-1477):

A Permitted Use Verification certificate (VC04006) was issued on February 5, 2004 (see Attachment # 3).

Findings: The proposed development is consistent with the approved PUV (PUV04006).

Type D Review standards (Article XI, Division 4, Section 10-1480):

The requirements for a conceptual PUD plan are described in Section 10-915 while the submittal requirements are listed in Section 10-1480.3. The applicant has provided a project narrative with plan sheet exhibits A, B, C, and D in order to demonstrate compliance with the PUD standards. The Leon County Board of County Commissioners is responsible for establishing development standards per Section 10-915 (a).

Findings: The applicant has proposed development standards for each component of the PUD and created specific use districts within the PUD (see the Application narrative Section 3 and Section 7) including "SR" district (single family residential), "OS-1 (Open Space -1 (passive recreation/natural area)) district, and the "OS-2" (Open Space –

16

2(active recreational)) district). The PUD also includes rights-of-way uses. The open space area primarily consists of buffers between the different land uses and adjacent existing development and the natural area is comprised of environmentally sensitive areas such as wetlands, tree protection areas, significant slopes, a gopher tortoise preserve and drainage facilities. Specific design standards are listed in the project narrative and in Section 3 for each of the internal districts of the PUD. The application provides both a narrative and plan graphic sheets in the appendix addressing each of the required elements for conceptual plans consistent with Section 10-1480.3.

A Binding Commitment Letter is required for each PUD (Section 10-1480.3.(a) (iii) e.) to ensure compliance with PUD requirements.

Findings: A binding commitment is included in Section 4 of the project narrative.

Subdivision substantive standards and criteria (Article XI, Division 5):

The applicant has the opportunity under the PUD process to establish specific subdivision and site design standards tailored to the site. It is advised that the minimum design requirements of Article XI, Division 5 be met, where applicable, to the greatest extent possible, including design criteria for private streets (Section 10-1527), electric utility services (Section 10-1532), designs to preserve natural features (Section 10-1534), and standards applying to streets not dedicated to the public (Section 10-1537). In addition, upon approval of a final development plan and completion of construction, a final plat shall be filed complying with Article XI, Division 6.

Some cul-de-sacs within the development are very lengthy, including one which is approximately 4000 feet long. No specific maximum permitted length of a cul-de-sac outside the urban service area is listed in Section 10-1527.

Portions of the open space land uses will contain a swale stormwater system design. Stormwater treatment facilities also are proposed as a series of swales within the roadway rights-of-way, on individual lots and within portions of the open space (passive and active) areas.

Findings: The proposed PUD complies with the substantive standards and design criteria as described in Division 5, Section 10-1526 (e) including the design standards for private streets, lots, stormwater management areas, utilities, the preservation of natural features, and buffers that reduce impacts on adjacent properties.

Centerville Rural Community Association (CERCA) Settlement Agreement:

The property is located within the Bradfordville Sector Plan area and in addition to meeting County land development code design standards it also must meet the land development regulations and restrictions included in the CERCA Settlement Agreement. Specifically related to this property, there are limits imposed upon the local government or others that would prohibit improvement to Pisgah Church Road for the term of the agreement. Other land development regulations are also included in the agreement (see attachment # 5)

Finding: The proposed PUD will comply with the CERA/Leon County Settlement Agreement criteria.

Platting Requirements (Article XI, Division 6):

The PUD will require platting per this Division. Since private facilities (retention, roads, common area tracts and other open space) are proposed, specific language will be required per the code to address this ownership and maintenance responsibility (Section 10-1560). The total PUD should be prepared as one plat.

Findings: Upon approval of a Final Development Plan, a Final Plat will need to be prepared, approved and recorded, complying with County requirements and consistent with the conceptual Development Plan prior to the sale or transfer of properties within the PUD.

Deviation from Development Standards (Article XI, Division 9, Section 10-1603):

The applicant is requesting two deviations from the design requirements of Section 10-1429, Conservation Subdivisions (see attachment # 8). In determining whether a deviation should be granted, the decision making body shall determine whether three mandatory and one of four optional criteria identified in the code are met (see attachment # 9).

The first deviation request is to permit residential dwelling units to be clustered in groups of more than ten dwelling units per cluster and the second is to permit residential clusters to be separated by an area less than 400 feet of open space between each cluster. The applicant indicates that these deviations are needed because it "would make it impossible to maintain such a large and contiguous open space as reflected in this project."

Findings: Per Section 10-1603 the deviation will not be detrimental to the public's health, safety, or welfare or to the surrounding properties because:

- *more than sufficient buffers will be provided with the proposed plan to comply with code and as a result of the location of the natural areas, including topographic contours, wetlands, soils and other environmental conditions that are protected by Comp Plan and code policies, achieving the lot separation and cluster size limit would unreasonably restrict the development of the site,*
- *the deviation request will allow for the maximum reduction in impact to environmental features and result in preserving more sensitive natural areas without jeopardizing the functioning of contiguous natural areas and habitats,*
- *granting the deviations will meet the intent and purpose of the conservation subdivision standards because more than 50 percent of the site will be preserved in open space, residential units for the most part will continue to be separated into separate clusters, and other areas of the PUD will provide separation between clusters that far exceed the minimum of 400 feet,*
- *the separation between uses within the PUD and uses outside the PUD, but adjacent to the site, will also far exceed those of other properties in the area,*

- *many of the residential clusters will include concentrations of less than 10 contiguous housing units,*
- *only four lots will contain a rear yard abutting other lots and all but two of the proposed lots will abut a common open space area,*
- *the lots design will avoid the creation of a complete cul de sac village in order to meet the design standard,*
- *The majority of clustered areas include clusters of less than 10 lots and that average lot cluster size is 9 lots,*

Leon County Office of Growth and Environmental Management
Recommendation:

The Office of Growth and Environmental Management recommends approval of LSP 04009, with conditions, rezoning of tax parcels ID #'s 15-19-20-001-001-0, 15-20-20-024-000-0, and 15-17-20-224-000-0 from Urban Fringe and Rural to Planned Unit Development (PUD) with the conceptual site plan for "Centerville Farms, a Conservation Subdivision Planned Unit Development", with project reference number 0024.003.004, consisting a plan narrative booklet containing 15 pages and Appendices A, B, C, and D, Prepared by L & W Engineering, Inc. of Tallahassee, Florida, dated August 4, 2004, consistent with Article XI, Division 4, Section 10-1484.1 of the Leon County Land Development Code.

The recommendation is based on the above referenced findings and the incorporation of the following conditions with the rezoning and site and development plan:

1. The applicant is granted approval for deviations from Article XI, Section 10-1429 (h) and (i) based on the findings identified above, and
2. Upon submittal of a Final Development Plan the site shall be reviewed for compliance with the design standards of Article XI, Division 5, and
3. Upon submittal of a Final Development Plan a review of the Environmental Impact Assessment (EIA) report shall be required and depending upon specific proposed designs and locations of proposed improvements identified in the Final Development Plan a revised EIA may be required, and
4. The applicant shall be permitted two roadway connections to Centerville Road, a canopy road, as depicted on the plans and as described in the plan narrative. Such street connections shall be considered consistent with the Comprehensive Plan and land development regulations and a pedestrian easement shall be required across portions of the canopy road to provide a continuous access to the 20 feet wide pedestrian access easement that is parallel to the pedestrian easement adjacent to the canopy roads protection zone.

Impacts by CLEC

5. The Leon County Board of County Commissioners establishes the R-1 zoning and development standards as described in Chapter 10, Article X, Division 9, Section 10-1214 to apply to each residential (SR lot) with the exception that the minimum lot size shall be no less than one(1) acre excluding right-of way or roadway easement and the maximum lot size shall be three (3) acres excluding right-of-way or roadway easement.
6. Final Development Plans for one or more phases of this PUD shall be reviewed as a Type B review per Chapter 10, Article XI, Division 4, Section 10-1479, Leon County Land Development Code.

Responses to Notification:

123 notices mailed

3 responses returned (attachment #12)**

1 returned as undeliverable **

** as of the date of this report

Attachments:

Attachment #1:	7/11/00, Bradfordville Sector Plan, Page 40, and 41 and Figure 10
Attachment #2:	February 15, 2004, Clearance form from Aquifer Protection office
Attachment #3:	February 5, 2004, Permitted Use Certificate
Attachment #4	Chapter 10, Article X, Division 5, Section 10-915 (PUD zoning), Leon County Land Development Code
Attachment #5	July 27, 2004, memorandum from County Attorney Herb Thiele and CCERCA Settlement Agreement
Attachment #6	July 19, 2004, Canopy Road Citizens Committee Minutes
Attachment #7	Chapter 10, Article XI, Division 2, Section 10-1429 (Conservation subdivisions), Leon County Land Development Code
Attachment #8	August 4, 2004, Deviation request letter for Centerville Farms PUD, Gardner, Wadsworth, Dugger, Bist & Wiener
Attachment #9	Chapter 10, Article XI, Division 8, Section 10-1601-1603 (Deviation from Development Standards), Leon County Land Development Code
Attachment #10	August 6, 2004, Leon County Schools Report
Attachment #11	Conservation Subdivisions, Objective 2,2, Future Land Use Element, Tallahassee-Leon County Comprehensive Plan
Attachment #12	Letters and comments from citizens in response to public notification

Bradfordville Sector Plan
Leon County, Florida

consistent with, or could erode the rural character of this area, include those not needed to serve the convenience needs of the rural population or agricultural activities, and which may draw traffic from urban areas, such as auto and home supply stores, liquor stores, used merchandise stores, banks and savings institutions, construction and other equipment rental and leasing.

- **Rural Residential District (Urban Fringe):** This district comprises the area to the north and east of Bradfordville Road outside of the USA boundary. In addition, it is proposed that this designation be expanded to other suitable areas based on parcelization patterns and location/access factors. In particular, this designation is applicable to the area located between the USA boundary and Bradfordville Road, as well as to smaller low-density residential concentrations located within the rural area, as shown on *Figure 10*.

Consistent with the intent to prevent incompatibility of adjacent future land uses and development patterns, and to protect the rural area from encroachment, this designation transforms the "urban fringe" into a permanent transition -rural in character but residential in use- between areas that are suburban in use and character and the outlying area which should remain both rural in use and in character.

While the Rural Residential District will retain a residential density provision of 1 du on 3 acres of land, it will also encourage the application of conservation development (clustering) principles, which will allow a reduction to lot sizes as small as one acre in order to preserve up to 75 percent of sites as permanently protected open space, while maintaining the overall permitted density. The permanent nature of this open space set-aside differs from the present clustering provision of the Urban Fringe District, where it is considered as a "land bank" for future development.

**Bradfordville Sector Plan
Leon County, Florida**

- Amend the provisions for the area designated as "Urban Fringe" to allow this area to become a permanent transition/buffer between the rural and suburban areas of Bradfordville. Provide stricter controls over the quality and intensity of development in this area and, as appropriate, others located along the periphery of the USA to maintain the rural character of this transition area.
- Consider, evaluate, and implement options to maintain the integrity of the Urban Services Area boundary and protect the outlying area from development pressures. These options may include strengthening the Tallahassee-Leon County urban containment strategy, essentially "holding the line" on outward expansion of the USA into the priority rural character area; providing additional incentives for infill and redevelopment on both developed and underutilized properties within the USA; and exploring mechanisms such as Purchase of Development Rights and/or Transfer of Development Rights. Although the rural area is outside of the City of Tallahassee's jurisdiction, coordination of efforts with the City will be necessary to implement some of these options.

Development Districts

As part of the Future Development Concept, the following modifications are proposed, as illustrated in *Figure 10*:

- **Bradfordville Rural District:** This designation shall reflect the intent to permanently maintain this area of Bradfordville as rural in use and in character. Although the current density provision of 1 du/10 acres appears adequate in the absence of development pressures, the emergence of such pressures may warrant reconsideration of this density allowance and/or provision of incentives for "conservation development" to preserve open space and significant natural resources (see below).

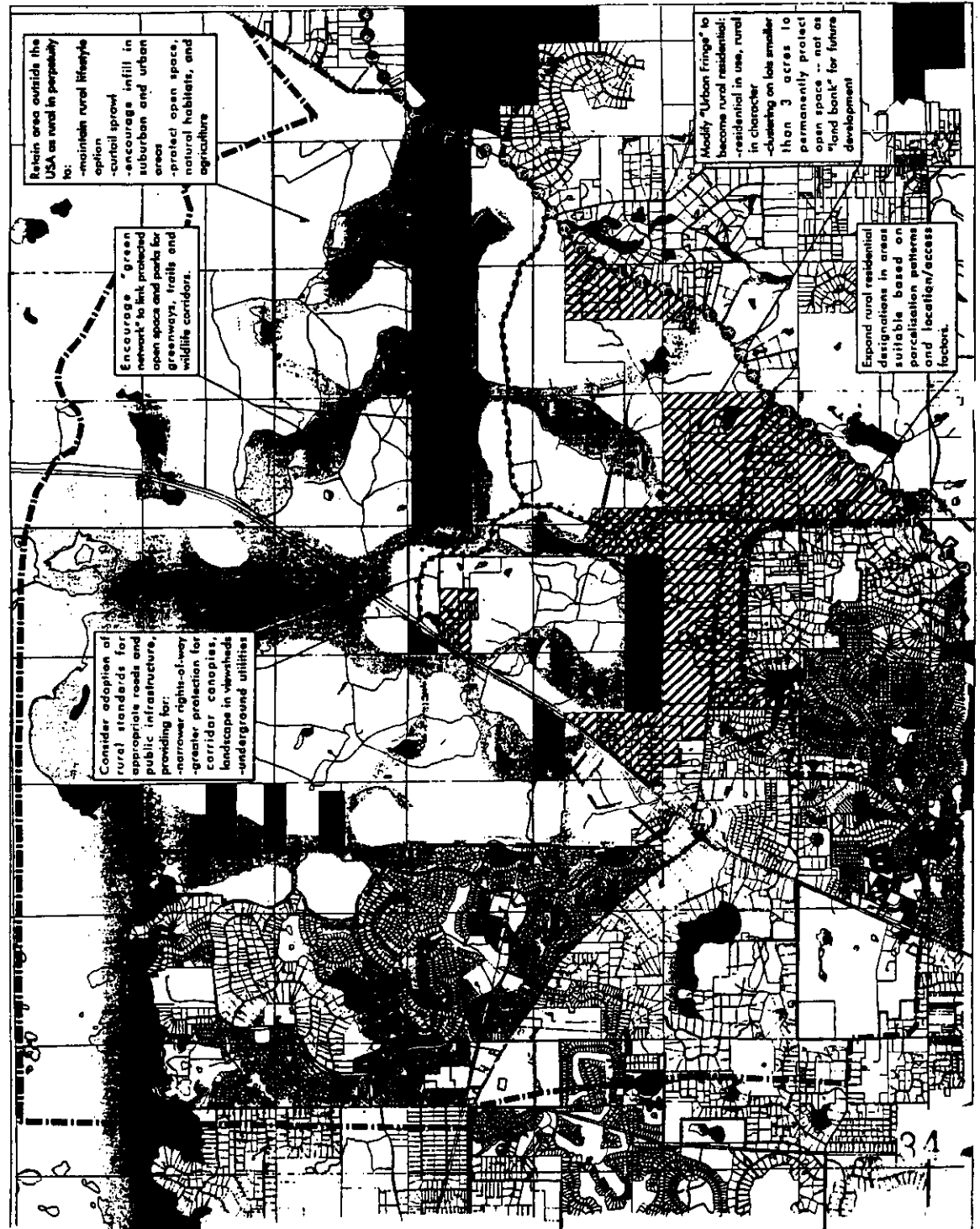
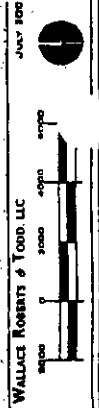
In addition, it is recommended that the range of permitted non-residential uses in the Rural District be reviewed to determine the appropriateness of deleting or modifying some of these uses to further comply with the intent of this designation. Examples of land uses which may not be



- Rural (R)
 - Rural Residential (RR)
 - Residential Preservation (RP)
 - Urban Fringe (UF)
 - Conservation Easements (private)
 - Conceptual Greenway System
 - Designated Canopy Road
 - Potential Rural Road Designation
 - Lakes
 - Wetlands
 - Study Area Boundary
 - Urban Service Area Boundary
 - Tallahassee City Limit
- Lee County GIS Department
Map Date: 10/1/2009
For: Tallahassee Rural Conservation Program
Data Source:

Attachment # 1
Page 3 of 3

WALLACE ROBERTS & TODD, LLC
ARCHITECTURAL
PLANNING
JULY 2009



Aquifer Protection Section Review Clearance Form

Site Information Site Name: CENTERVILLE FARMS - PUD

Team: LEON COUNTY-Bill McCord

Location: 8240 CENTERVILLE RD

Tax ID: 15-19-20-001-0010

Status: PLANNED UNIT DEVELOPMENT

Agenda Date: 02/25/2004

Date of Site Visit: Thursday, February 19, 2004

Inspected by: W. Loomis/M. Lindert

Important: It is the permittee's responsibility to provide the documentation indicated in the checked sections below. Aquifer Protection Clearance will be issued only after the required documentation is provided to: Koren Taylor, P.G., Aquifer Protection Section, 3805 Springhill Road, Tallahassee, FL, 32305-6502; Phone (850)891-1200; Fax (850)891-1062. If additional wells, borings, or Regulated Substances not described below are discovered by the permittee during site clearing or other permitted activities, the permittee shall comply with the appropriate provisions in Leon County Land Development Code Article XIV and shall notify the Aquifer Protection Section of actions taken to comply with these provisions.

Aquifer Protection Items Found on Site And Action Required:

☒ Unused Well(s) Number Of Wells: 3

#1 N30.55665 X W084.16383, #2 (AAD5490 N30.55731 X W084.16135, #3 N30.55720 X W084.15643.

The unused well(s) must be properly abandoned by a licensed well contractor following Northwest Florida Water Management District guidelines ((850)539-5999). The NWFWM District inspection report will be required as proof of proper abandonment. [Authority -- Leon County Code Section 10-1957(a)(1) and Chapter 40A-3.531(1), (2)(b), (4), and (5), Florida Administrative Code.]

☐ Geotechnical Borings

The geotechnical borings must be properly abandoned. Borings less than 25 feet deep may be back-filled with the original or other clean soil. Borings deeper than 25 feet shall be grouted with neat cement from bottom to top. A signed statement from the geotechnical consultant that the borings have been properly abandoned will be considered adequate proof of action completion. [Authority -- Leon County Code Section 10-1957(b)]

☐ Regulated Substances/Waste

The on-site waste described above must be disposed of properly. On-site waste which could present a hazard to water resources if improperly handled (including solvents, paints, pesticides, waste oil, batteries, fluorescent lights or other mercury containing devices, etc.) must be removed from the site by either a Department of Environmental Protection-approved hazardous waste transporter, recycler, or in many cases may be transported by the permittee to the Leon County Hazardous Waste Center, located at the Leon County Landfill. If the Hazardous Waste Center is used, they must be contacted for approval and delivery scheduling (922-0400) prior to the contractor removing the waste from the site. Regardless of the approved method of disposal chosen the permittee must obtain receipts documenting the proper disposal of the waste. Copies of waste receipts will be required as proof that action was properly completed. [Authority -- Leon County Code Section 10-1959.]

☒ Other:

Three wells were found on the site. Please call the Northwest Florida Water Management District (539-5999) for information on having any or all of the wells properly abandoned.

Aquifer Protection Clearance

This Clearance form will be signed by a member of the Aquifer Protection Section when all actions identified above have been completed. The final environmental inspection will not be conducted and the permit will not be issued until the Aquifer Protection Clearance is completed.

Aquifer Protection Clearance: _____ Date: _____

LEON COUNTY
PERMITTED USE VERIFICATION
CERTIFICATE NUMBER: VC040006

Attachment # 5
Page 24 of 53

ISSUED TO:

Name: L & W ENGINEERING, INC.

Address: 2840 REMINGTON GREEN CIRCLE SUITE E TALLAHASSEE, FL, 32308

Phone #: 298-4213

Attachment # 3

Page 1

of 1

Project Acreage: 975.82

Zoning District: UF and R

Parcel Tax ID#.: 1519200010010

1520200340000

1517202240000

200 UNIT SINGLE FAMILY RESIDENTIAL SUBDIVISION

COMMENTS

1: The 975.82 acre property consist of three parcels with a Future Land Use designation of Urban Fringe (UF) which includes a site specific policy limiting development to no more than 200 residential units and requiring that at least 50 percent of the property to be placed in permanent open space. A portion of the property is currently zoned Rural (R) (parcels 1517202240000 and 1520200340000) and a portion is currently zoned Urban Fringe (UF) (parcel 1519200010010) and the 975.82 acres site is located outside of the Urban Services Area.

In order to develop the property as a 200 unit single family subdivision under the provisions of the Comprehensive Plan, a Planned Unit Development (PUD), including PUD zoning, complying with the requirements of Chapter 10, Article X, Division 5, Section 10-915 and Section 10-955, Leon County Land Development Code and the Bradfordville Sector Plan, will be necessary. This includes the submittal of a conceptual site plan with the rezoning.

This will require a Type D review per Section 10-1480 including review by the Development Review Committee, Planning Commission and approval by the Leon County Board of County Commissioners. Subdivision design shall also comply with Article XI, Division 5 and Division 6. A Unity of Title will be required to combine the three parcels.

The property contains several environmentally sensitive features including, wetlands and watercourses, protected trees, significant slopes, is adjacent to a canopy road (Centerville Road) and designated rural road (Pisgah Church Road), and likely other environmental concerns. A Natural Features Inventory will be required per Section 10-346.

CONDITIONS

Subject to the following sequence of reviews and required approvals:

- 1: Canopy Road: Contact Urban Forester at 891-8635
- 2: Pre-Application Conference: Contact Development Services at 488-9300
- 3: Concurrence Certificate: Contact Concurrence Mgt at 488-9300
- 4: Type D Review Contact: Development Services at 488-9300
- 5: Environmental Permit Contact: Environmental Compliance at 488-9300
- 6: Final Plat Contact: Public Works at 488-8003
- 7: Building Permit Contact: Building Inspection at 488-4704
- 8: Development may be subject to City/County Water & Sewer Agreement. Contact City Utilities at 891-6101
- 9: Septic Tank Permit Contact: Leon County Health Department at 487-3166.

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

No Permitted Use Verification Application and/or Permitted Use Verification Certificate shall be the basis for any claims of estoppel or vesting as against any land development regulations or zoning regulations, which may be adopted on or after the date of the Permitted Use Verification Application and/or the Permitted Use Verification Certificate.

Status: **ELIGIBLE**

Date Approved: 02/05/2004

William D. McNeal 2/5/04
Development Services Division
Leon County Community Development

34

LAND DEVELOPMENT CODE

§ 10-915

District intent, allowable uses and development standards for each of these districts are set forth in division 9 of this article.

(Ord. No. 03-20, § 2, 7-22-03)

Sec. 10-915. Planned unit development (PUD) zoning district requirements and procedures.

(a) *Purpose and intent of district.* The planned unit development (PUD) zoning district is intended to provide a method by which proposals for a unique zoning district which are not provided for or allowed in the zoning districts otherwise established by this chapter may be evaluated. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining in the Board of County Commissioners the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. In so doing, the PUD district is intended to:

- (1) Promote more efficient and economic uses of land.
- (2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.

- (3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
 - (4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
 - (5) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.
 - (6) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
 - (7) Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.
- (b) *Eligibility.* The PUD district is designed to allow an applicant to submit a proposal for consideration, for any land uses or any mixture of land uses that are consistent with the comprehensive plan, and to allow the Board of County Commissioners to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions or requirements or limitations thereon which the Board of County Commissioners deems advisable. The approval of PUD rezoning requests rests with the Board of County Commissioners. However, no rezoning to a PUD zoning district shall be eligible for approval unless the following minimum conditions are met:
- (1) *Minimum area for a PUD zoning district.* Except for properties designated university transition in the future land use map of the comprehensive plan, the minimum area required for an application to a PUD district is five acres. The minimum area required for properties designated university transition is three acres.
 - (2) *Configuration of the PUD zoning district.* The tract(s) of land for which the PUD zoning district is made shall be contiguous with sufficient width and depth to accommodate the proposed use.
 - (3) *Unified control/ownership.* All land included for the purpose of development within a PUD district shall be owned by or be under the complete control of the applicant for such zoning designation, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide the county all of the necessary documents and information that may be required by the county attorney to assure the county that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.
- (c) *Review process.* An application for a PUD zoning district shall consist of a PUD concept pl. and a PUD final development plan. A PUD zoning district is established when a PUD concept plan is approved by the Board of County Commissioners.
- (1) *PUD concept plan.* A PUD concept plan is a generalized plan which shows the proposed land uses and maximum density or intensity of all lands within a PUD zoning district in accordance with the information set forth in subsection (d) of this section. Once a PUD concept plan is approved by the county, the subject properties will be designated PUD on the official zoning map of the county.
 - a. *Pre-application conference.* An application for a pre-application conference shall be submitted to the county in accordance with established policies and procedures.
 - b. *PUD concept plan application.* A PUD concept plan application shall be submitted in accordance with the submittal requirements set forth in subsection (d) of this section.

- c. *Public notification.* Public notice of the PUD concept plan shall be provided by publication in a newspaper of regular and general circulation. In addition, written notice shall be mailed to the current address (based upon records of the Leon County Tax assessor's office) of each property owner within 500 feet of the project and registered neighborhood associations.
- d. *DRC review.* The development review committee shall review a PUD concept plan application at a regularly scheduled meeting to determine if the application complies with the comprehensive plan and other applicable land development regulations adopted by the county. The DRC shall prepare an itemized list of written findings of fact which supports a recommendation of approval, approval with conditions, or denial of a PUD concept plan. The written findings of the DRC shall be forwarded to the planning commission. Meetings of the DRC shall be conducted in accordance with established policies and procedures.
- e. The planning commission shall review the PUD concept plan, the written findings of fact of the DRC, and conduct a public hearing in order to formulate a recommendation to the Board of County Commissioners on approving, approving with conditions, or denying a PUD concept plan. Quasi-judicial proceedings may be invoked pursuant to the provisions of Article XI, Division 9 of this Code. The recommendation of the planning commission shall be supported by written findings of fact. Meetings of the planning commission shall be conducted in accordance with established policies and procedures.
- f. *Board of County Commissioners review.* The Board of County Commissioners shall review the PUD concept plan, the recommendation and written findings of the DRC and the planning commission, and conduct a public hearing. The Board of County Commissioners will then approve, approve with conditions, or deny the PUD concept plan. The decisions of the Board of County Commissioners shall be final and shall be supported by written findings. Meetings of the Board of County Commissioners shall be conducted in accordance with established policies and procedures.
- g. *Amendments to PUD concept plan.* Any amendments to the PUD concept plan shall be reviewed as a new PUD concept plan. Notwithstanding this provision, the county administrator or designee may approve amendments to the PUD concept plan during the review of a PUD final development plan if said amendments are substantially minor in nature and do not affect the overall character of the PUD concept plan. The criteria that the county administrator or designee shall use to determine if the proposed changes effect the overall character of the PUD include, but are not limited to an increase in the overall number of residential dwelling units or non-residential building square feet; a substantial decrease in the amount of acres devoted to common open space and/or natural area; and a substantial change in the general location of the proposed land uses, including the common open space and/or natural areas.
- (2) *PUD final development plan.* PUD final development plan is a detailed development plan prepared to scale showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, land uses, and principal site development features proposed. The submittal requirements, review process, and minimum standards

that apply to a PUD final development plan are set forth in the site plan or subdivision review procedures of Division 4 of Article XI of Chapter 10 of the Leon County Code. At the option of the applicant, a PUD concept plan may be reviewed simultaneously with a PUD final development plan. The submittal requirements of such a review shall be determined at the pre-application conference.

(d) *Submittal requirements.*

(1) *PUD concept plan.* A PUD concept plan shall consist of the graphic and/or textual information itemized in a. through c. below. Adjustments to this information can be made at the pre-application conference.

- a. A general plan for the use of all lands within the proposed PUD. Such plans shall indicate the general location of residential areas (including density and unit types), open space, parks, passive or scenic areas, and non-residential areas (including maximum building square footage and maximum height).
- b. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and access points to the external and internal thoroughfare network.
- c. Quantitative summary of land uses (maximum acres, maximum non-residential building square feet, maximum number of residential dwelling units). A report shall be submitted to the county that includes a statement indicating how the proposed development complies with the comprehensive plan and a general description of the proposed development including:
 - 1. The total acreage of the project.
 - 2. The number of acres proposed to be developed in the various categories of land shown on the concept plan; the percentage of

total acreage represented in each category of use and each component of development; and an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the PUD.

- 3. The number and type of dwelling units proposed for the overall site and for its components, including dwelling unit per acre calculations and population projections for each or for non-residential projects, gross square footage devoted for each land use.
- 4. The establishment of minimum design standards which shall govern the site and development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, buffers and landscape areas.
- 5. A binding commitment to develop the property in accordance with the approved concept plan and conditions of approval. The commitment shall bind all subsequent owners.
- 6. A site conditions map which includes:
 - (i) Legal description and boundary survey signed and sealed by a registered Florida land surveyor.
 - (ii) Name of the PUD; owner, subdivider/lessee/optionee (if applicable), and address and phone number of each; surveyor and engineer of record; and, date of drawing.
 - (iii) Scale, date, north arrow, and general location map

- showing relationship of the site to external uses, structures, and features.
- (iv) Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features.
 - (v) Existing topography (latest U.S. Department of the Interior Geological Survey).
 - (vi) The location and size of all existing drainage facilities and a utility concept plan.
 - (vii) Information about the existing vegetative cover and general soil types, and their appropriateness for the proposed project.
 - (viii) The location and function of all other existing public facilities which would serve the residents of the site including but not limited to schools, parks, and fire stations. The requirements to provide this information may be waived for small projects. If required, notation of this information on a scaled map is acceptable.
7. An environmental analysis approved by the county growth and environmental management department, in accordance with the applicable provisions of the Environmental Management Act (EMA).
 8. A preliminary certificate of concurrency or appropriate documentation issued by the county growth and environmental management department.
- (2) *PUD final development plan.* For information on the submittal requirements for PUD final development plans, refer to Division 4 of Article XI of Chapter 10 of the Leon County Code.
 - (e) *Review criteria.* In evaluating a proposed PUD district, the county shall consider the criteria established below. The consideration of each criteria by the county shall be documented by written findings.
 - (1) *Consistency with the comprehensive plan.* The proposed PUD district shall be consistent with the comprehensive plan.
 - (2) *Consistency with other ordinances.* The proposed PUD district shall be consistent with all other ordinances adopted by the county, including but not limited to the applicable environmental and concurrency management ordinances.
 - (3) *Consistency with purpose and intent of PUD district.* An application for a PUD district shall include a narrative indicating how the proposed PUD district meets the purpose and intent of the PUD district, as set forth in subsection (a) of this section. The narrative shall specifically address the seven statements itemized in subsection (a).
 - (f) *Status of previously approved PUDs.* Any PUD project approved prior to the effective date of this ordinance shall continue to be governed by the approved PUD plan and any agreements, terms, and conditions to which the approval may be subject and shall be designated PUD on the official zoning map if it is located in its entirety or in part within a Mixed Use A, B, or C Future Land Use category. Whenever any application is made to substantially modify an approved PUD, or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PUD district set forth herein. Notwithstanding this provision, the county administrator or designee may approve amendments to the PUD concept plan during the review of a PUD final development plan if said amendments are substantially minor in nature and do

not affect the overall character of the PUD concept plan in accordance with section 10-915(c)(1)g. (Ord. No. 92-10, § 2(4.5), 3-10-92; Ord. No. 91-12, § 7, 7-8-97; Ord. No. 01-24, § 5, 10-30-01)

Sec. 10-916. Development of regional impact (DRI) zoning district requirements and procedures.

A development of regional impact (DRI) is a development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. Development standards in the DRI zoning district shall be those approved in the development order for the DRI. If no development standards were approved in the development order for the DRI, then development standards shall be established at the time that site plans and/or subdivision plats are submitted for review for each individual component of the DRI. Said development standards shall be consistent with the development standards of any previously approved site plan and/or subdivision in the DRI and the overall character of the DRI. Procedures for review and standards for approval of DRI's are found in F.S. ch. 380, and the rules promulgated thereunder. Applications for new DRI's shall follow the procedure set forth in section 10-1480 of this chapter and F.S. ch. 380. The procedures for review of the individual components of the DRI are set forth in Article XI of this Code. Prior to Board of County Commissioners consideration of any proposed change to an approved DRI, the planning commission shall review the proposed change or request for determination of substantial deviation at a public meeting and transmit its recommendation to the Board of County Commissioners for consideration. Prior to planning commission review, quasi-judicial proceedings may be invoked pursuant to the provisions of Article XI, Division 9 of this Code. Any DRI project approved prior the effective date of this ordinance shall continue to be governed by the approved DRI's development order and any agreements, terms, and conditions to which the approval may be subject and shall be designated DRI on the official zoning map for that portion of the DRI located in a Mixed Use A, B, or C, future land use category.

(Ord. No. 92-10, § 2(4.6), 3-10-92; Ord. No. 91-12, § 8, 7-8-97; Ord. No. 01-24, § 6, 10-30-01)

Sec. 10-917. High-intensity urban activity center.

(a) *Purpose and intent.* The purpose and intent of the high-intensity urban activity center district is to establish an urban activity center providing for community wide or regional commercial activities located in proximity to multifamily housing and office employment centers. This district is intended to provide large scale commercial activities to serve the retail market of region as well as the community. The intense commercial nature of this district promotes the efficiency of the transportation system through consolidation of trips and discouragement of the unabated sprawl of commercial activities. Planned, integrated development is required to promote synergy between the different allowable land uses. An integrated pedestrian and bicycle access system shall be provided to afford safe and accessible foot and bike travel between the land uses. The district is intended to facilitate efficient traffic flow by allowing only land uses developed with comprehensively planned access, egress, and internal circulation systems. The district will also allow residential development of complimentary intensity of 16 to 45 dwelling units per gross acre.

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in this zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Minor commercial.
- (2) Neighborhood commercial.
- (3) Community commercial.
- (4) Regional commercial.
- (5) Highway commercial.
- (6) Minor office.
- (7) Major office.
- (8) Office park.
- (9) Medium-density residential.
- (10) High-density residential.
- (11) Passive recreation.
- (12) Active recreation.

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Page 1 of 10~~

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners
Parwez Alam, County Administrator

From: Herbert W.A. Thiele, Esq. *[Signature]*
County Attorney

Date: July 27, 2004

Subject: Ownership and Paving of Pisgah Church Road

At its Regular Meeting on July 13, 2004, the Board discussed a request from the developer of the proposed Centerville Farms subdivision for paving of Pisgah Church Road in order to serve that development. At that time, the Board requested the County Attorney to bring back an opinion regarding ownership of the road. Since that date, Commissioner Grippa has additionally requested whether the use of Open Grade Cold Mix (OGCM) as pavement of Pisgah Church Road would be prohibited by the settlement agreement with Centerville Rural Community Association, Inc. (CeRCA) entered into on May 5, 2003 (a copy of which is attached for your information).

As a threshold issue, this memorandum addresses the settlement agreement as it relates to paving of Pisgah Church Road. In the settlement agreement, the County agreed to a Rural Roads designation which applies to Pisgah Church Road from its intersection with Bradfordville Road to its termination at Pisgah Church. As required by the agreement, the County adopted land development regulations, codified at Section 10-961, *Leon County Code of Laws*, which provide for a maximum of two travel lanes, no curb and gutter construction, and minimum setbacks for structures, among other regulations.

Separate from the regulations applicable to the designated Rural Roads, paragraph 2(c) of the agreement also addresses construction of new roads and paving of existing roads in the Bradfordville Study Area (BSA). This paragraph applies to all roads located in the BSA outside the Urban Services Area boundary (as of May 5, 2003), and applies for 12.5 years from the date of execution of the agreement. The agreement states, "There shall be no new paving of dirt roads except where necessary for health or safety reasons." Therefore, prior to approval for paving of Pisgah Church Road, the Board must find that paving is needed to address some health or safety issue. This requirement applies regardless of whether the road is found to be in private ownership or deemed to be in public ownership. On the related issue of whether utilizing OGCM to pave Pisgah Church Road would violate the agreement, the answer is yes, unless the Board finds that it is necessary for health or safety purposes. Paragraph 2(c) specifically anticipates the use of OGCM when it refers to "pervious pavement" as an exception to new pavement being subject to the requirements of Ordinance 00-31 (referring to the 4" stormwater treatment standard therein). During settlement discussions, county staff suggested that pervious pavement for existing dirt roads in the BSA be

Memorandum Re: Ownership and Paving of Pisgah Church Road
July 27, 2004
Page 2

exempt from the 4" standard both because the county generally does not own enough right of way on dirt roads to provide for stormwater ponds without having to pay exorbitant fees to acquire additional land, and because pervious pavement, like OGCM, allows percolation of stormwater through the pavement, rather than increasing runoff to lakes and streams as does standard pavement. In summary, the agreement treats OGCM similar to other pavement options in requiring that health and safety issues be found prior to the approval of new paving.

Second, the question of the ownership of Pisgah Church Road has been raised, which affects responsibility for paving of the road, in the event that the Board finds paving necessary. The Board has received communication recently from at least three property owners along Pisgah Church Road claiming to own to the centerline of the road and opposed to paving (See electronic mail to Board members from Drew McLeod dated July 22, 2004). The developer of the proposed Centerville Farms development has suggested that the County utilize the 2/3, 2/3 program to pave Pisgah Church Road, since the road is in private ownership. Under that program, the County is required to obtain the signatures of 2/3 of the owners of 2/3 of the property abutting Pisgah Church Road for permission to pave the road, and the County assesses all owners for the improvement, which assessment becomes a lien on the property of all abutting owners. If the road is in public ownership, the County may require the developer to pay for improving the road if it is not shown in the County's adopted transportation improvement plans.

The factual issues applicable to a determination of ownership are: Who constructed the road? Has it been maintained regularly by the County? If so, for how long? Have the owners abutting the road paid the County for that maintenance? These questions are relevant because the County has never recorded a map of reservation to establish Pisgah Church Road as a publicly owned and maintained roadway. However, the provisions of Section 93.361, *Florida Statutes*, may apply to deem the road dedicated to the County. The statute is summarized as follows:

- If the road was constructed by the County, and has been maintained or repaired by the County "continuously or uninterruptedly" for 4 years, the road shall be deemed dedicated to the public (to the extent in width it was actually maintained by the County), and the title shall vest in the County.
- If the road was constructed by a nongovernmental entity, or it is unknown who constructed the road, and the road has been "regularly maintained or repaired for the immediate past 7 years" by the County, the road shall be deemed dedicated to the public (to the extent of the width actually maintained by the County) and the title shall vest in the County.
- The filing of a map with the Clerk of Court in the county where the road is located, showing the land on which the road is located and stating thereon that the road has vested in the County, shall be prima facie evidence of ownership of the land.
- Finally, Section 93.361(4), F.S., which was adopted by the Legislature in 2003, provides a window of opportunity for any person, firm or corporation claiming an interest in roadways to prevent the vesting of title to the governmental entity by filing a court action. Specifically, this part provides that any person, firm or corporation claiming an interest in property affected by the provision vesting title in the County where the roadway was constructed by a nongovernmental entity or is unknown, but the roadway has been regularly maintained by the County for 7 years, is allowed one (1) year

Memorandum Re: Ownership and Paving of Pisgah Church Road
July 27, 2004
Page 3

from the effective date of this subsection, to file a claim in equity or with a court of law against the particular governing body assuming jurisdiction over the roadway to cause a cessation of the maintenance and occupation of the property. "Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2)." §95.361(4), F.S.

According to Public Works staff, it is unknown whether a public or private entity constructed Pisgah Church Road. Further, it is staff's recollection that Leon County has provided regular maintenance of Pisgah Church Road, at least routine sweeping and grading of the road, for at least the most recent 7 years. To their knowledge, no property owner abutting Pisgah Church Road has ever been charged a fee or otherwise assessed for the County maintenance of the road. Further, no person, firm or corporation has filed an action against Leon County to prevent the dedication of the road to the public in the year since the effective date of subsections (2) and (4) of Section 95.361, F.S. The effective date of those sections was July 14, 2003 (See relevant portions of Chapter 2003-286, Laws of Florida, attached hereto).

The facts support a finding that the title to Pisgah Church Road has vested in Leon County, at least to the extent of the width actually maintained by the County. We have been informed that Public Works is preparing a map for filing with the Clerk of the Court of the 2nd Judicial Circuit, but that such filing has not yet occurred. We have requested that Public Works provide documentation of these facts to support the County Attorney's research in this matter.

Some members of the Board may remember the case of *Leon County v. Wayne Carroll and Ann Carroll, et al*, Case No. 92-5206 (Fla. 2d Cir. Ct. 1993), or *Lonnie Gray*, as it is commonly known, in which the County litigated the issue of ownership of this road in southwest Leon County. The County claimed ownership derived from continuous maintenance of the road for four (4) years, pursuant to Section 95.361, *Florida Statutes*. The County did not prevail in that case because it was unable to prove that it had originally constructed the road. The statute in existence when that case was litigated (1992-1993) provided that a road could be dedicated to the County only when the County constructed the road and had continuously maintained it for four (4) years. Subsequent to that case, the statute has been amended to provide for ownership by dedication when the road is constructed by a nongovernmental entity or when it is unknown who constructed the road, as discussed above. Therefore, the ruling in *Lonnie Gray* is not controlling of the issue presented by Pisgah Church Road.

If you have any questions regarding this opinion, please contact the County Attorney's Office.

HWAT/SHS/sl

Enclosures

cc: ✓ Tony Park, Director of Public Works

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

Centerville Rural Community Association, Inc.

Plaintiffs

vs.

Leon County, Florida

Defendants

Attachment # 5
Page 4 of 10
Case No: 97-2689

SETTLEMENT AGREEMENT BETWEEN LEON COUNTY AND CERCA, INC.

This settlement agreement is entered into between Leon County, Florida and Centerville Rural Community Association, Inc. (CeRCA).

1) The County and CeRCA seek to end the multitude of lawsuits that have been generated in Bradfordville over the past several years. In mutual consideration of this objective, the parties agree to do the following:

2) The County will consider adopting land development regulations within ninety (90) days of ratification of this agreement to designate Rural Roads in the Bradfordville Study Area, as provided below.

a) At a minimum, the Rural Road designation shall extend to the following roads:

1. Bradfordville Road, from its intersection with Velda Dairy to Centerville Road;
2. Roberts Road, from its intersection with Centerville to termination;
3. Proctor Road, from its intersection with Thomasville to Roberts Road;
4. Grenville Road, from its intersection with Pisgah Church Road to Proctor Road;

5. Pisgah Church Road, from its intersection with Bradfordville Road to its termination at Pisgah Church.

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(definition?) Regulation applicable to rural roads, at a minimum, shall include:

1. A ~~maximum of 2 travel lanes~~, except that no road lanes existing on the date of this agreement shall be eliminated. There shall be no further widening beyond what is now in existence for a minimum of 12.5 years, running from the time this agreement is ratified by all parties.
2. ~~No curb and gutter construction will be on these rural roads.~~
3. All new dwellings and other infrastructure which, for the purposes of this agreement shall be defined as structures or groups of structures with a footprint of more than 25 sq. ft., shall be ~~set back~~ a minimum of 75 ft ~~from the centerline of a road~~, unless an individual single-family dwelling could not be built as a result of the setback requirement or in the case of telecommunications infrastructure, which for the purposes of this agreement shall be defined as those pertaining to television, telephone and computer, which shall only be allowed if they can be effectively screened with vegetation so as to camouflage it from view from the road in question.
4. The County shall not clear within 75 feet from the centerline of the road unless authorized for health, safety or welfare of the public.
5. No new off-site or advertising signs shall be erected or maintained along rural roads for a distance of 200 feet from the centerline.

water/sewer lines?
Electric lines?

c) All ~~future roads~~ which are constructed in the Bradfordville Study Area (BSA) outside the Urban Services Area within 12.5 years of this agreement, ~~shall meet, at a minimum, this~~ definition given to Rural Roads. There shall be no new paving of dirt roads except where necessary for health or safety reasons. Paving shall never occur based on the wishes of a single owner or entity. If paving on any dirt road in the BSA is required following the above criteria, it shall meet the requirements of Ordinance 00-31, except for pervious pavement for pre-existing unstabilized roads that meet the requirements in Section 10-208(19), Leon County Code of Laws (2003). In addition to the requirements in Section 10-208(19) for pervious pavement, the applicant must demonstrate in permitting that stormwater treatment has been designed to the maximum extent possible to meet the requirements of Ordinance 00-31 and all stormwater conveyances must be stabilized by sod unless velocities require pavement. This provision shall be in force for 12.5 years from date of ratification and shall be applied to the areas outside the Urban Service Area Boundary in effect on the date of ratification.

3) All new development permitted after July 20, 2000 within the BSA that requires a Type A or higher review will meet the stormwater treatment standards as defined in Ordinance 00-31, dated July 20, 2000. All new impervious area for paved roads and all new roads shall meet the requirements of Ordinance 00-31. Development in the Killlearn Lakes DRI is vested from the provisions of this paragraph.

4) The County will consider adopting a land development regulation to allow flexibility in meeting the stormwater treatment requirements for new residential subdivisions. The regulation may allow new single family residential lots, proposed to be 3 acres or larger as part of the limited partition or 2.1.9. subdivision process, to meet water quality treatment approaching

equivalence to the retention standard in Ordinance 00-31 by considering natural vegetation as a treatment alternative taking into account the percent of impervious area, slope, lot size, location of impervious area, adjacent lots, soil type and vegetation type. New roadways and ingress/egress easements that serve three or more single family residential lots will have to meet requirements of Ordinance 00-31.

5). The rural residential overlay as defined in and designated on Figure 10 of the Bradfordville Sector Plan, July 2000, does, at a minimum, restrict development to residential uses only. Density of development is governed by the underlying future land use designation and the conservation subdivision regulations set forth in section 10-1429, Leon County Code of Laws. Compliance with the requirements of this overlay are required for all new development.

6) Development plans for the Bradfordville-Phipps property are not final and therefore, CeRCA does not take a position regarding its approval of the ultimate development of this property. However, if the Bradfordville-Phipps property is developed in accordance with the settlement agreement signed between Bradfordville-Phipps dated May 8, 2002, CeRCA shall not challenge development on the Bradfordville-Phipps property.

7) The County shall notify the designated representative of CeRCA 10 days prior to the consideration by the Board of County Commissioners of any amendment to the Bradfordville Sector Plan or LDRs which implement its provisions. Notification shall consist of providing all documents that are to be viewed by the members of the Board of County Commission concerning such matters. CeRCA shall be responsible for updating its contact information.

8) In order to resolve the matters that have been in litigation between the parties for several years, the County agrees to pay not exceeding One-hundred Fifty Thousand dollars

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(\$150,000) in reimbursement to CeRCA for legal fees and costs incurred during litigation in all cases in which it is a party with Leon County. For those cases in which CeRCA's counsel represented multiple clients simultaneously, the County agrees to pay only the proportional fee billed to CeRCA. CeRCA shall submit verifiable receipts for these claimed expenses prior to any reimbursement from the County. Reimbursement hereunder is subject to the dismissals set forth in paragraph 11.

9) The County agrees not to seek costs or fees in any case that CeRCA drops voluntarily or in which the County was the prevailing party. Reciprocally, CeRCA agrees not to seek costs or fees in any case in which it was the prevailing party.

10) The term Bradfordville Study Area (BSA) has been defined differently by the parties and has been an issue of disagreement. For the purposes of this agreement, the BSA shall not mean any areas currently within City limits. It shall however, include all geographical areas as depicted in the Bradfordville Sector Plan Figure 10 and areas that are within the jurisdictional boundaries of CeRCA which shall be interpreted as going north to Proctor Road and including all of Proctor Road as the northern and western boundaries. Where there is no road boundary specified in this agreement, it shall be defined by a reliable watershed map defining the outermost lake basin. The map attached hereto as "Exhibit A" depicts the Bradfordville Study Area as defined in this agreement.

11) CeRCA agrees to file a notice of voluntary dismissal with prejudice in all cases it has filed against the County, including the list of cases attached hereto as "Exhibit B," after the County adopts the ordinance described in paragraph 2.

12) The parties hereby agree that this Agreement shall be incorporated into a Court order

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in Case Number 97-2689 in the circuit court for Leon County and that the Court shall retain jurisdiction to enforce the provisions of this agreement, if necessary. In the event that either party finds it necessary to proceed to court to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs, including a reasonable attorney fee to be paid to the other party within 30 days of the rendition of the court's decision on any such request, unless there is a appeal, in which case there would be an automatic stay until resolution by the higher court.

13) CeRCA agrees to Intervene on behalf of Leon County in any administrative challenge, civil lawsuit or other contested proceeding arising out of the adoption of ordinances described in paragraph 2 and 4 of this agreement.

Done and entered on this 5th day of MAY, 2003.

CENTERVILLE RURAL COMMUNITY
ASSOCIATION, INC.

By: Pamela Hill
Vice- President

LEON COUNTY, FLORIDA

By: Tony Grippa
Tony Grippa, Chairman
Board of County Commissioners

APPROVED AS TO FORM:

BY: Randall Denker
Randall Denker, Esq.

ATTEST:

Bob Inzer, Clerk of the Court
Leon County, Florida

BY: [Signature]



APPROVED AS TO FORM:
Leon County Attorney's Office

BY: Herbert W. A. Thiele
Herbert W. A. Thiele, Esq.
County Attorney

Exhibit B

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- 1) *Lake McBride Area Residents' Association, Inc., Lake Carolyn Estates Homeowners Association, Inc., and Centerville Rural Community Association, Inc., v. Leon County, Circuit Court Case No. 97-2689.*
- 2) *Lake McBride Area Residents' Association, Inc., Lake Carolyn Estates Homeowners Association, Inc., and Centerville Rural Community Association, Inc., v. Leon County, Circuit Court Case No. 98-6337.*
- 3) *Centerville Rural Community Association, Inc. v. Leon County and Department of Community Affairs, DOAH Case No. 02-4817GM.*

Mr. Stan Chapman made a motion to move the staff recommendation to deny access to Old Bainbridge due to the property having three other potential connections to public roads, which could be accessed by this development. Mr. Richard Butgerelt seconded the motion and it passed with a vote of 6 to 1.



2. Centerville Farms – The Committee will be presented with two proposed access connections to Centerville Road. The request is associated with an application to establish a new Planned Unit Development district for an approximately 975 acre site located north and adjacent to Pisgah Church Road and west and adjacent to Centerville Road, toward the eastern reaches of the Bradfordville general area.

Mr. Wayne Tedder provided a summary of the request for access to Centerville Road, which is associated with the Centerville Farms PUD. Mr. Tedder stated this PUD is being established as a conservation subdivision based on the large amount of conservation and preservation features on the property. According to Mr. Tedder the property has an existing drive to the north, which has limited access to only three parcels. Mr. Tedder stated the southern drive would be the primary access point and would be an extension of the existing paved apron. Mr. George Su, Leon County Growth Management, answered questions from the committee on what type of impacts this would have and if there was any proposed mitigation for this site. Mr. Su stated Growth Management is okay with the access points but would like more information on the exact trees being impacted, including a tree count, and a proposal for mitigation. The committee discussed the need to support staff's recommendation but still be sure the committee sees the final plan.

Ms. Beth Kostka made a motion to conceptually approve the design contingent upon the revised plan, which would incorporate all of staff's recommendations, including the access point on Centerville Road not be greater than 24 feet, an itemized list of trees being impacted within the Canopy Road Protection Zone, tree replanting be done with no credit being provided for preserved trees and the area within the Canopy Road Protection Zone along Centerville Road be placed in a conservation easement to Leon County or a 501(C)(3) land trust. Mr. Stan Chapman seconded the motion and it passed unanimously.

3. The Grove – The Committee will be presented with a request regarding access to the proposed development on the north side of Old St. Augustine Road to the west of Hendrix Road near the Koger Center in the City of Tallahassee. The request is associated with a proposed limited partition subdivision of a parcel of approximately 1.5 acres.

Mr. Marty Geanmers gave a presentation on the request for access to the proposed development on Old St. Augustine Road. Mr. Geanmers reviewed where the access would be located and what impacts it would have. Mr. Geanmers stated they would also be removing the invasive exotics from the canopy and replace with native species. Mr. Tedder stated the Planning Department is recommending the requested access be placed slightly off center away from the hickory tree and toward the pine tree. Mr. Tedder stated this recommendation also includes the removal of the invasive exotics from the canopy and replacement with native species.

Mr. Jim Lyle made a motion to approve the access to Old St. Augustine Road with the driveway located just off center away from the hickory tree and toward the pine tree and include removal of the invasive exotics including replacement of the screening with native species. Mr. Stan Chapman seconded the motion and it passed unanimously.

B. Old Business

1. Centerville Road Sidewalk – Update on the proposed Centerville Road Sidewalk from Gina Tullo, Moore Bass Consulting.

Ms. Gina Tullo provided an update on the proposed Centerville Road Sidewalk Project. Ms. Tullo stated the sidewalk is about 1.5 miles long and will run from Hodges Drive to the Blairstone Road Extension. Ms. Tullo explained the decision reached after review of the site by staff was to place the sidewalk along the south side of the road. Ms. Tullo stated the project would consist of mostly on grade concrete sidewalk where suitable and some off grade boardwalk systems where needed.

Sec. 10-1429. Conservation subdivision.

(a) *Purpose and intent.* Conservation or cluster subdivision design is encouraged to preserve and protect open spaces and environmentally sensitive land by concentrating development on the most developable portion of a site. Applicants shall be required to participate in a pre-application meeting prior to submission of an application. The following standards shall apply to proposed conservation subdivision design developments. These provisions may apply to cluster development in the urban fringe area and shall apply to all cluster development proposed in areas designated Rural Residential in the Bradfordville Sector Plan.

(b) *Procedures.* Conservation subdivisions shall be reviewed and authorized through the subdivision and Type "D" site and development plan review processes.

(c) *Density.* The gross density shall not exceed the maximum density established for the land use category and base zoning applicable to the subject parcel, subject to a suitability determination made by the Leon County Health Department. Up to a ten percent density bonus may be approved at the discretion of the board if more than 50 percent of the site is reserved in perpetuity for common open space through a conservation easement or for natural resource preservation purposes through a mechanism acceptable to the Leon County attorney and approved by the board.

(d) *Minimum lot size.* The minimum lot size shall be one acre unless the board finds that provisions have been made to adequately address wastewater treatment and disposal, and that the superior design of the site using smaller lots strengthens the rural character of the developed and open space areas.

(e) *Maximum lot size.* No residential lot shall be greater than three acres in size.

(f) *Open space.*

(1) At least 50 percent of the gross development area shall be reserved as common open space.

(2) Open spaces shall be continuous to the greatest extent practical and shall be of sufficient dimensions to accommodate authorized uses.

(3) Common open space use limitations shall be established prior to approval of the final plat. Generally, common open space may be reserved for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), agricultural land or environmental purposes.

(4) If common areas are to be used for agricultural purposes, the applicant shall establish a Type "D" buffer between common pastures, animal enclosure areas or crop lands and residential lots. The applicant shall also establish appropriate easements to address common impacts of the normal agricultural operations (e.g., noise, dust or odors).

(5) Development easements on agricultural or open space land shall be encouraged in order to protect the reserved land in perpetuity and to afford maximum state and federal tax incentives, deductions and credits to the landowner.

(g) *Access.* Access to the residential units in a conservation subdivision design development shall be provided from internal streets with the principal entrance of the internal road system abutting upon a public road. For any proposed private street serving more than four dwellings, the establishment of road maintenance and funding mechanisms shall be required, and shall be approved by the person or entity with the authority to approve such development.

(h) *Maximum number of residential dwelling units per cluster.* Residential dwelling units shall be clustered in groups of not more than ten dwelling units per cluster.

(i) *Separation between clusters.* Residential clusters shall be separated by a minimum of 400 feet of open space in rural residential areas as designated in the Bradfordville Sector Plan.

(Ord. No. 00-31, § 4, 7-11-00)

Secs. 10-1430—10-1450. Reserved.

GARDNER, WADSWORTH, DUGGAR, BIST & WIENER, P.A.

ATTORNEYS AT LAW

1300 THOMASWOOD DRIVE

TALLAHASSEE, FLORIDA 32308

MICHAEL P. BIST
GARVIN B. BOWDEN
ELAINE N. DUGGAR, P.A.*
THOMAS L. DUGGAR
CHARLES R. GARDNER
CURTIS B. HUNTER
MURRAY M. WADSWORTH
MURRAY M. WADSWORTH, JR.
BRUCE I. WIENER**

Attachment #

Page

of

TELEPHONE
(850) 385-0070

FACSIMILE
(850) 422-3173

*BOARD CERTIFIED
MARITAL AND FAMILY LAWYER
FELLOW, AMERICAN ACADEMY OF
MATRIMONIAL LAWYERS
PRACTICING AS A PROFESSIONAL ASSOCIATION

**BOARD CERTIFIED
REAL ESTATE LAWYER

August 4, 2004

Mr. David McDevitt
Director of Development Services
Leon County Growth and Environmental Management
3401 West Tharpe Street
Tallahassee, Florida 32303

HAND DELIVERY

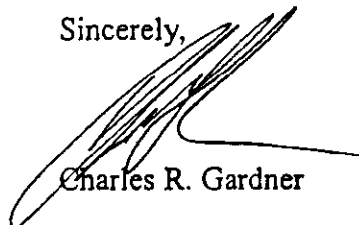
Re: **Request for Deviation** in accordance with Section 10-1603, Code of Laws of
Leon County with respect to *Centerville Farms*

Dear Mr. McDevitt:

My client, Centerville Properties, Ltd., has submitted a request to rezone the above referenced property to a Planned Unit Development conservation subdivision. A portion of the PUD Submittal (ie Section 10) contemplates a deviation from subsections (h) and (i) of Section 10-1429 of the Land Development Code.

In accordance with Section 10-1603 of the Code, the Centerville Properties, Ltd. hereby requests that Leon County waive subsections (h) and (i) of Section 10-1429 of the Code based upon the creative and innovative design of *Centerville Farms*. The number of units (i.e. not more than 10) in a cluster and the separation (i.e. a minimum of 400 feet) would make it impossible to maintain such a large and contiguous open space as is reflected in this project.

Sincerely,



Charles R. Gardner

LAND DEVELOPMENT CODE

copies of each amendment to each DRC member. Minor modifications to an approved site and development plan may be made at the time of permitting without the requirement for re-submittal of a revised site and development plan by the applicant. Any DRC member may, however, refer any minor modification that significantly affects the development's compliance with the purpose of this Code to the DRC for treatment as a major modification. Minor modifications may not become effective until 24 hours after notice is provided to each DRC member of the proposed minor modification. The time frame for effectiveness of any minor modification may be stayed upon request of a DRC member if a proposed minor modification is referred to the DRC members.

3. *Major modifications:* If the proposed or ongoing work is found to have one or more modifications, the growth and environmental management department shall:

- (a) Refer the matter for consideration to the next agenda of the DRC, allowing for adequate notice, and recommend appropriate action for the DRC to take. An applicant shall be required to pay any and all applicable fees.
- (b) Issue a stop-work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public's health, safety, and welfare. The order shall remain in effect until the growth and environmental management department or public works department, as applicable, determines that work or occupancy may proceed pursuant to the decision of the DRC.
- (c) Refer the matter to a county code inspector, if it appears that the developer has committed violations within the jurisdiction of the county code enforcement board.
- (d) If the growth and environmental management department or public works department, as applicable, refers a matter pursuant to subsection (3)(a) above, the DRC shall hold a public meeting on the matter and shall take one of the following actions:
 - (i) Order the developer to bring the development into substantial compli-

ance (that is, having no or only minor modifications) within a reasonable period of time. Any development order or permit shall be revoked if this order is not complied with.

- (ii) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
- (iii) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order permit should not be amended accommodate the modifications.

(Ord. No. 96-02, § 16, 2-27-96)

Sec. 10-1579. Reserved.

Editor's note—Ord. No. 99-15, § 38, adopted May 25, 1999, repealed § 10-1579 in its entirety. Formerly, said section pertained to substantial changes. See the Code Comparative Table.

Secs. 10-1580—10-1600. Reserved.**DIVISION 8. DEVIATION FROM DEVELOPMENT STANDARDS*****Sec. 10-1601. Authority.**

An applicant may request the entity with the authority to approve, approve with conditions, or deny a site and development plan application under these regulations, to deviate from the de-

**Editor's note*—Ord. No. 96-02, § 17, adopted Feb. 27, 1996, repealed former Div. 8, §§ 10-1601—10-1603, relative to substantial changes, and enacted a new Div. 8 to read as herein set out. The provisions of former Div. 8 derived from Ord. No. 92-9, § 1, adopted March 10, 1992; and Ord. No. 93 adopted April 27, 1993.

velopment standards of this chapter. Such deviation shall be granted only upon demonstration and a finding of consistency with the comprehensive plan and no adverse impact to the general health, safety, and welfare of the public. Requests for deviations pursuant to this section shall be processed concurrently with an application for site and development plan approval.
(Ord. No. 96-02, § 17, 2-27-96)

Sec. 10-1602. Application/process.

An applicant requesting a deviation under this section shall file such request in writing, stating the explicit standard from which a deviation is requested and the proposed standard to be applied to the project. Such a request shall contain sufficient information to demonstrate compliance with the standards for granting a deviation as provided under Section 10-1603, Criteria for Granting a Deviation from Development Standards, below.
(Ord. No. 96-02, § 17, 2-27-96)

Sec. 10-1603. Criteria for granting a deviation from development standards.

The entity with the authority to approve, approve with conditions, or deny a site and development plan may grant a deviation under this section only upon demonstration that:

- (i) The deviation will not be detrimental to the public's health, safety, or welfare or to the surrounding properties; and
- (ii) There are exceptional topographic, soil, or other environmental conditions unique to the property; ■
- (iii) There are unusual conditions which are not ordinarily found in the area; ■
- (iv) The deviation requested would provide a creative or innovative design alternative to substantive standards and criteria; ■
- (v) The strict application of the requirements of this ordinance will constitute a substantial hardship to the applicant; and,

- (vi) The granting of the deviation is consistent with the intent and purpose of this ordinance and the comprehensive plan.

(Ord. No. 96-02, § 17, 2-27-96)

Secs. 10-1604—10-1620. Reserved.

DIVISION 9. FORMAL PROCEEDINGS*

Sec. 10-1621. Applicability.

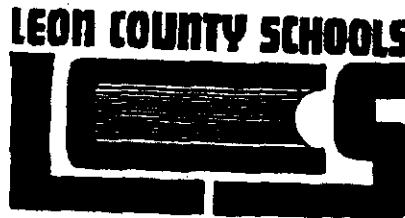
Division 9 shall govern all quasi-judicial proceedings before the planning commission. For purposes of review/appeals to the planning commission under this Division 9, the following definitions shall apply:

- (a) *Days* as used in this division means calendar days unless otherwise stated.
- (b) *De novo proceeding* means a quasi-judicial proceeding wherein the parties submit testimony and evidence in support of their positions and the planning commission evaluates the issues raised in petition as if they were being reviewed for the first time.
- (c) *Ex parte communication* means an oral or written communication made to a member of the planning commission on a matter to come before the planning commission by, or on behalf of, a party as defined in this section, or otherwise, about the merits of a matter before the planning commission, or foreseeably anticipated to come before the commission, outside of a planning commission meeting and without notice to the parties.
- (d) *Party* means the applicant, the county, or any person who can demonstrate that they will suffer an adverse effect to an interest protected or furthered by the comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transporta-

*Editor's note—Ord. No. 96-02, § 18, adopted Feb. 27, 1996, amended the Code by the addition of provisions enacted as Art. XI, Div. 9, which provisions have been designated at the discretion of the editor as §§ 10-1621—10-1625 hereof.

BOARD CHAIR
Georgia "Joy" Bowen

BOARD VICE-CHAIR
Sheila Costigan



BOARD MEMBERS
Dee Crumpler
Maggie B. Lewis
H. Fred Varn

SUPERINTENDENT
William J. Montford, III

~~Attachment #~~
~~Page~~ 1 ~~of~~ 1

August 6, 2004

Leon County
Development Review Committee
3401 W. Tharpe Street
Tallahassee, FL 32301

Dear Committee Members:

Leon County Schools' Planning Department offers the following comments with regard to the items on the August 18 Development Review Committee Meeting agenda:

Saint Francis of Assisi – Type "C" – No impact

Centerville Farms – PUD – (Previous responses 1/16, 6/8, 7/23/04) Development of this large parcel is anticipated to have major impact on Leon County Schools. Currently, the school zones for this property are Roberts Elementary, Deerlake Middle and Chiles High. Both Deerlake and Chiles exceed 100% of the facility capacity and new students are being accommodated with the use of relocatables. Since Roberts is a new elementary school it has the room to accommodate student growth. It is recommended that a bus pull in lane be built on Centerville Road, particularly if there is insufficient turn around space for school busses within the the development. Also recommended is sidewalks of 6-8 feet being built where students would wait.

Thank you for your consideration.

Sincerely,

Tricia Gwaltney

Tricia Gwaltney, Program Specialist
Planning and Policy Development

Post-It™ brand fax transmittal memo 7671		# of pages
To <i>Chairman</i>	From <i>Planning Dept</i>	
Co. <i>Dev Review Com</i>	Co. <i>Leon Co. Schools</i>	
Dept.	Phone # <i>487-7257</i>	
Fax # <i>487-7956</i>	Fax #	

CONSERVATION SUBDIVISIONS

~~Attachment # 11
Page 1 of 3~~

Objective 2.2: [L]. (Effective 7/1/04)

Conservation Subdivision land development regulations in the County shall be amended by 2004 to provide design options and guidelines for the development of Conservation Subdivisions that advance environmental resource protection or restoration or promote infill and redevelopment. The City may adopt similar provisions.

Policy 2.2.1: [L] (Effective 7/1/04)

To minimize the threat of premature conversion of rural land, including properties supporting bona fide agriculture and silviculture, the Conservation Subdivision option shall not be allowed within the Rural Future Land Use category, with the exception of those areas designated as Rural Residential within the Bradfordville Sector Plan.

Policy 2.2.2: [L] (Effective 7/1/04)

Within the land development regulations, local government shall define for various Future Land Use categories in which Conservation Subdivisions are allowed, any applicable density bonus incentives, and the minimum percentages of parent tract(s) to be protected as contiguous open space within Conservation Subdivisions. It shall be the intent to establish higher open space percentages for the less dense Future Land Use Map categories. Similarly, it is intended that density bonuses only be permitted as an incentive in those land use categories which are more dense than the Urban Fringe land use category. Conservation subdivisions within the Urban Fringe land use category shall be density neutral, and ward no units greater than those achievable via conventional site plans subject to density limitations imposed by Policies 1.3.2[C] and 1.3.4[C].

Policy 2.2.3: [L] (Effective 7/1/04)

To better judge the impacts of Conservation Subdivisions on the demands for services and the effects of coordinating protected open space, local government may phase the implementation of Conservation Subdivisions within Future Land Use Categories more dense than Urban Fringe via the adoption of land development regulation provisions, beginning with Urban Fringe Future Land Use category and those areas designated as Rural Residential within the Bradfordville Sector Plan.

Policy 2.2.4: [L] (Effective 7/1/04)

Conservation Subdivisions may be zoned as Planned Unit Developments (PUDs) or the land development regulations shall be otherwise crafted in order to provide the necessary-flexibility with respect to setbacks, minimum lot sizes, street widths, and parking requirements etc. to increase the likelihood of employing this site design option and foster the long-term viability and usefulness of the open space subject to the required conservation easement.

Policy 2.2.5: [L] *(Effective 7/1/04)*

- ✓ Preservation features defined in Policy 1.3.3 [C] shall be incorporated into the open space of any Conservation Subdivision. Conservation features defined in Policy 1.3.1 [C], archaeological sites, bona fide agriculture and silviculture, viewsheds of canopy roads and of other open space shall be incorporated into the open space of a Conservation Subdivision to the greatest extent practicable.

- ✓ The Planning and respective Growth Management departments shall encourage the use of Conservation Subdivisions wherever parent tracts have been demonstrated to contain bona fide agriculture and silviculture, environmentally significant features, historically or archaeologically significant resources, or direct connections with existing or planned greenway corridors identified in either the Tallahassee-Leon County Greenway Master Plan or the Blueprint 2000 Project Definitions Report.

Policy 2.2.6: [L] *(Effective 7/1/04)*

- ✓ In the implementation of Conservation Subdivisions, all critical on-site resources that are to be preserved shall be of adequate size and buffered to ensure protection of the resource.

Policy 2.2.7: [L] *(Effective 7/1/04)*

- ✓ Where possible, local government shall require protected open space(s) within conservation subdivisions to be established adjacent or contiguous with existing or planned greenspace, whether public or private.

Policy 2.2.8: [L] *(Effective 7/1/04)*

- ✓ In the implementation of Conservation Subdivisions, local government shall require open space and related resources to be placed under a permanent easement that runs with the land. Said easement may be assigned to (1) local government or (2) a local or national land trust that is a 501(c)(3) organization for which conservation of resources is a principal goal and which can provide reasonable assurance it has financial and staff resources to monitor and manage the easement in accordance with the intent of the Objective 2.2 [L] and its supporting policies.

Policy 2.2.9: [L] *(Effective 7/1/04)*

- ✓ Local Government shall require all applications for Conservation Subdivisions to prepare a management plan for all protected open space and a dedicated source of revenues to ensure that all appropriate management activities are undertaken on a regular basis and that all terms of the conservation easement are monitored and enforced.

~~Attachment # 11
Page 3 of 3~~

Policy 2.2.10: [L] (*Effective 7/1/04*)

✓ Local and State Government shall be encouraged to enter into agreements with the managers of protected open space within Conservation Subdivisions where it would be mutually advantageous to consolidate management activities between the subdivision and any adjoining public lands.

Policy 2.2.11: [L] (*Effective 7/1/04*)

It shall be the policy of the Property Appraiser's office to assess at the minimum rate or charge the applicable fee to all land preserved within a Conservation Subdivision, including property in bona fide agricultural and silvicultural use. However, the appraised value of associated developed land shall reflect any added value provided by proximity to protected open space.

Policy 2.2.12: [L] (*Effective 7/1/04*)

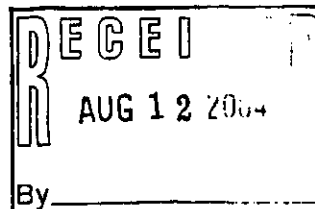
Conservation Subdivisions shall be encouraged to include a range of housing types and sizes, and shall not be exempt from any adopted applicable affordable housing provisions.

Attachment # 2
Page 1 of 2

August 11, 2004

Leon County Growth and Environmental Management Department
Development Services Division
3401 W. Tharpe Street
Tallahassee, FL 32303

Re: Centerville Farms PUD
DRC Review: August 18, 2004



Ladies and Gentlemen:

This letter is being written to you on my behalf as an owner of 9 acres fronting Pisgah Church Road (6579) and on behalf of John and Dana Hammett, whom I represent and who reside at 6533 Pisgah Church Road and also on behalf of Drew D. McLeod and Kimberly McLeod whom I represent and who reside at 6619 Pisgah Church Road.

You have sought comment relative to the captioned project and we are pleased to respond. We would ask the DRC to please keep in mind the terms of the court approved settlement agreement which resulted from litigation in the case styled Centerville Rural Community Association, Inc., versus Leon County, Florida, (Case Number 97-2689 Circuit Court, Leon County, Florida). As property owners on Pisgah Church Road and as members of CeRCA we are beneficiaries of that settlement agreement. The terms of that settlement agreement require, inter alia, that "Rural Roads," (of which Pisgah Church Road has been so designated by the settlement agreement,) must, at a minimum, be restricted by the following development limitations:

1. A maximum of two travel lanes and no further widening beyond what is now in existence.
2. No curb and gutter construction will occur on these roads.
3. A minimum setback of 75 feet from the centerline of a rural road for all new dwellings or other infrastructure.
4. No clearing within 75 feet from the centerline of the road unless necessary for health and safety.
5. No off-site or advertising signs shall be erected or maintained for a distance of 200 feet from the centerline.
6. No paving is to be permitted except for health and safety reasons.

34

~~Attachment #~~

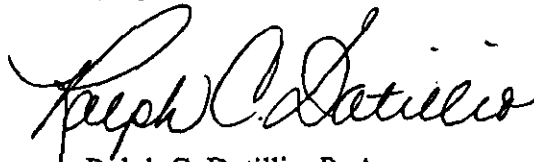
~~Page 2 of 4~~

Given the express terms of the settlement agreement above referred to it is patently obvious that if that agreement is followed, (and my professional obligation is to see that it is) I cannot understand how the Centerville Farms project can hope to provide vehicular access to its project, in a manner which would not gravely impact Pisgah Church Road and thus violate the settlement agreement.

I would like very much to meet with a representative of the DRC to review the proposed impact on Pisgah Church Road by virtue of this development. Please contact me to arrange a mutually convenient time.

Sincerely yours,

BROAD AND CASSEL


Ralph C. Datillio, P. A.

RCD:plt

cc: John A. Hammett
Drew D. McLeod

Leon County Growth and Environmental Management Department, Development Services Division:

I/We as owner(s) of Lot _____, Block _____, of the

M + B

Attachment # 12

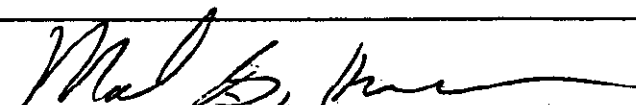
Page 3

at the following street address:

6204 PISGAM LANE 32307

wish the following information to be considered by the Leon County Development Review Committee:

THAT ALL CONSERVATION EASEMENTS
BE IRREVOCABLE IN NATURE - THAT
THERE CAN BE NO REVERSION TO THE
DEVELOPER FOR ANY REASON


(Signature)

MARK B. KRAUSE
(Print Name)

Project Name: Centerville Farms PUD
DRC Review: August 18, 2004, 10:00 a.m.

Bill McCord - Centerville Farms PUD

From: "Jim Keller" <1jimkeller@earthlink.net>
To: <mccordb@mail.co.leon.fl.us>
Date: 8/12/04 2:23PM
Subject: Centerville Farms PUD
CC: "Charles Gardner" <charles@gwdbw.com>

~~Attachment #~~

~~Page~~

~~of~~

I live at 6129 Pisgah Church Road and received a letter regarding the Type D review.
I wish to go on record of being in favor of approval of this request.
Please contact me anytime with any questions you may have.

Jim Keller
AutoTech Services
(850) 893-6373 office
(850) 893-5886 fax
(850) 339-6374 cell